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Letter dated 19 September 2016 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council

The members of the Panel of Experts established pursuant to Security Council resolution 2206 (2015), whose mandate was extended pursuant to Council resolution 2290 (2016), have the honour to transmit herewith, in accordance with paragraph 12 (e) of resolution 2290 (2016), the Panel's 120-day report.

The report was provided to the Security Council Committee established pursuant to resolution 2206 (2015) on 7 September 2016 and was considered by the Committee on 16 September.

The Panel would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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Report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015)

Summary

In paragraph 12 (e) of its resolution 2290 (2016), the Security Council called upon the Panel of Experts on South Sudan to provide a report on the current security threats facing the Transitional Government of National Unity, and its need to maintain law and order in South Sudan, as well as provide further analysis of the role of transfers of arms and related materiel coming into South Sudan since the formation of the Transitional Government of National Unity (TGNU) with respect to the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan and threats to the United Nations Mission in South Sudan and other United Nations and international humanitarian personnel. Following the outbreak of large-scale fighting in Juba in early July 2016, the flight of the opposition leader, Riek Machar, from Juba and his subsequent arrival in Khartoum in late August, and the de facto collapse of the transitional government envisaged in the Agreement, the dynamics within South Sudan remain complex and fluid.

The evidence gathered by the Panel suggests that the most severe security threats to TGNU and to the implementation of the Agreement are not external but internal to South Sudan, and primarily result from the actions and policies of the two major parties to the Agreement: the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) in Government, led by the President, Salva Kiir, and SPLM/A in Opposition, led by Riek Machar. These threats include the continued belligerence of SPLM/A in Government and SPLM/A in Opposition; the intensification of the tribal undercurrent of the conflict; the collapse of the economy; and the continuing importation of arms and related materiel. In addition, the evidence obtained by the Panel suggests that threats against the United Nations and international humanitarian personnel are increasing in scope, number and degree of brutality, in a context in which senior figures of the Government, including Salva Kiir, are intensifying their rhetoric against and hostility towards the United Nations, regional bodies and the broader international community.

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* The annexes are being circulated in the language of submission only and without formal editing.

** Owing to its confidential nature, annex V was circulated separately and is not included in the present document.

I. Security threats to the Transitional Government of National Unity[1]

1. The Panel has concluded that the most severe security threats facing the Transitional Government of National Unity (TGNU) arise from the deliberate policies and tactics of both major parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan, which have exacerbated the political, tribal and ethnic drivers of the war. The continued belligerence of the parties, their commitment to military rather than political means to achieve their aims and the lack of political will to implement the Agreement pose the most significant security threats to the transitional government. These threats are evident in the outbreak of violence in Juba on 8 July 2016, resulting in the flight of Riek Machar from the capital and subsequently the country; the continuation and escalation of armed conflict in other parts of South Sudan; the increasingly tribal nature of the violence in Juba and elsewhere; and the collapse of the national economy owing to government mismanagement and diversion of funds to procure weapons and to prosecute the war.

2. In particular, the arming of communities by the parties on the basis of tribal affiliation continues to fuel widespread violence, and neither party has demonstrated a willingness to maintain basic law and order in areas under its respective control. There is no evidence to suggest that more weapons are required in South Sudan for the transitional government to achieve a stable security environment. Rather, the continued influx of weapons, as described in section II below, contributes to the spread of instability and the continuation of the conflict.

3. The external security threats to the transitional government are comparatively minimal. While the Sudan has provided small arms, ammunition and some logistical support to the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) in Opposition since December 2013 (see S/2016/70), the Panel has found no evidence to date that the Sudan — or any other neighbouring country — has provided it with heavy weapons, which has limited the opposition's ability to mount large-scale operations.

Continued belligerence of the parties

4. The formation of the transitional government in April 2016 notwithstanding, widespread armed conflict has persisted throughout the country, including the outbreak of large-scale violence in Juba in July. From Western Bahr el Ghazal state to the greater Upper Nile region to the greater Equatoria region, escalating insecurity is evinced by the increase in the number of reported conflict incidents and displacements.[2] More than 121,000 South Sudanese have fled to neighbouring countries since the formation of TGNU; over 105,000 since 8 July alone.[3] New

[1] The information in the present report was current as at 6 September 2016 when it was submitted to the Security Council Committee established pursuant to resolution 2206 (2015).

[2] A total of 1.61 million South Sudanese are currently internally displaced and more than 958,000 have fled to neighbouring countries (data as at 21 August 2016). Office of the United Nations High Commissioner for Refugees, "UNHCR South Sudan situation regional emergency update 15-21 August 2016", available from http://data.unhcr.org/SouthSudan/regional.php.

[3] Office of the United Nations High Commissioner for Refugees, "South Sudan — refugees in and from South Sudan map, April 2016", 10 May 2016. Available from http://data.unhcr.org/SouthSudan/regional.php.

arrivals from South Sudan have reported continuing violence against civilians, looting, forced recruitment, rape and armed actors preventing civilians from leaving the country.[4] Owing to intense fighting in the town of Wau, Western Bahr el Ghazal state, in June, 41,000 civilians remain displaced within the town, including more than 24,000 living adjacent to the United Nations Mission in South Sudan (UNMISS) compound,[5] and 37,000 people are displaced outside the town.[2]

5. The Secretary-General, the Peace and Security Council of the African Union, the Intergovernmental Authority on Development (IGAD) and the Joint Monitoring and Evaluation Commission, jointly charged with monitoring the implementation of the Agreement, have on multiple occasions — both before and after the fighting in Juba in July — highlighted the lack of progress in the implementation of the Agreement and condemned the continuing hostilities.[6]

6. The Chair of the Joint Monitoring and Evaluation Commission, Festus Mogae, specifically warned about the political stalemate two weeks before the outbreak of violence in Juba, saying: "I regret to report that the progress I had expected has not materialized ... It leaves us with no option but to suspect that perhaps there is a serious lack of commitment towards peace ... This deliberate and institutionalized impediment to the implementation of the Agreement is totally unacceptable".[7] At a subsequent meeting in Khartoum of the Agreement's guarantors on 31 July, he stated: "We know that forces of both parties and others allied to them continue to clash throughout the country, with a likelihood of larger battles increasing every day."[8]

7. During a visit to South Sudan from 23 to 29 June, the Panel met members of the Cabinet, representing all four signatory parties to the Agreement.[9] Without exception, they described a situation in which the economy had collapsed; there had been little

[4] Office of the United Nations High Commissioner for Refugees, "South Sudan situation regional emergency update 8-14 August 2016". Available from http://data.unhcr.org/SouthSudan/regional.php.

[5] United Nations Mission in South Sudan, "UNMISS PoC update No. 136", 29 August 2016. Available from http://reliefweb.int/report/south-sudan/unmiss-poc-update-no-136.

[6] See, among others, the remarks of the Secretary-General, 16 July 2016, available from www.un.org/press/en/2016/sgsm17932.doc.htm; the communiqué of the 609th meeting of the Peace and Security Council of the African Union, 30 June 2016, available from www.peaceau.org/en/article/communique-of-the-609th-meeting-of-the-psc-on-the-situation-in-south-sudan; the statement of the IGAD Chairperson, Hailemariam Dessalegn, on the situation in South Sudan, 11 July 2016, available from http://igad.int/index.php?option=com_content&view=article&id=1386:igad-chairpersons-statement-on-the-situation-in-south-sudan&catid=47:communique&Itemid=149; and the communiqué of the 616th meeting of the Peace and Security Council of the African Union, 11 August 2016, available from www.peaceau.org/en/article/communique-of-the-peace-and-security-council-psc-of-the-african-union-au-at-its-616th-meeting-on-the-situation-in-south-sudan.

[7] Opening statement by the Chair of the Joint Monitoring and Evaluation Commission during the plenary session of the Commission, held on 23 June 2016 in Juba. Available from http://jmecsouthsudan.org/news.php?id=31.

[8] Statement by the Chair of the Joint Monitoring and Evaluation Commission to a meeting of partners in Khartoum, 31 July 2016. Available from www.jmecsouthsudan.com/news.php?id=40.

[9] Currently, only two of the four signatories remain in the Transitional Government — one major party, SPLM/A in Government, and one minor party, the G-10/"former detainees". The leader of SPLM/A in Opposition, Riek Machar, was controversially removed and replaced as First Vice-President in late July.

substantive progress in the implementation of the Agreement; the Sudan People's Liberation Army (SPLA) and other military forces aligned with Salva Kiir had not redeployed outside Juba, as required under chapter II of the Agreement; and the failure to pay the armed forces was exacerbating tensions among military personnel. The near-universal expectation presented to the Panel was that fighting would resume unless there was a significant change in the behaviour of the parties to the Agreement.

8. While its investigations into the subsequent violence in Juba in July are continuing, on the basis of numerous interviews with first-hand witnesses and multiple other sources (see annex I), the Panel has reached the following preliminary findings.

9. First, the relatively large scale of the hostilities, which featured the deployment of Mi-24 attack helicopters, in coordination with ground forces and reinforced by armoured units, supports the conclusion that the fighting was directed by the highest levels of the SPLA command structure. Many senior SPLA officers have confirmed to the Panel that only Salva Kiir and the Chief of General Staff of SPLA, Paul Malong, have the authority to order the deployment of those helicopters, and the Panel has received numerous reports from senior SPLA personnel and South Sudanese political figures citing Malong, with Kiir's full knowledge, as having directed the fighting on 10 and 11 July.[10]

10. Second, not all SPLA units in Juba participated in the fighting. The Panel received credible reports from several senior SPLA officers that some units had refused orders issued by Malong to engage in the fighting.

11. Third, witnesses in Juba pointed to an evident ethnic dimension to the fighting and some ethnically motivated killings, with SPLA and security forces from the Dinka tribe more heavily involved in the events than other groups. Numerous reports indicate that Equatorian militias became engaged in the fighting in Juba on the side of SPLM/A in Opposition.

12. Fourth, the indiscriminate use of weapons by both SPLA and SPLM/A in Opposition in densely populated areas, including the deployment of Mi-24 attack helicopters by SPLA, displayed a flagrant disregard for the lives of civilians and the inviolability of United Nations premises.[11]

Intensification of tribal conflict

13. The violence in Juba in July recalled the patterns of ethnic targeting in the capital and elsewhere when the war broke out in December 2013, as documented by the African Union Commission of Inquiry on South Sudan.[12] The situation is also symptomatic of the tribal dynamic engulfing the country as the war has evolved into a violent contest between elements of the Dinka tribe and many of the country's

[10] Source: multiple confidential interviews conducted by the Panel with senior SPLA officers, South Sudanese political officials and United Nations officials.

[11] Source: multiple confidential interviews conducted by the Panel with United Nations officials and international observers. In addition to the fatalities and injuries, significant damage was inflicted upon both United Nations bases in Juba, with at least 100 United Nations accommodation units reportedly being damaged at the United Nations House facility alone by heavy artillery and small arms fire.

[12] See www.peaceau.org/uploads/auciss.final.report.pdf and annex I to the present report.

other tribes.[13] There has been a consequent rise in perception among Dinka political and military elites, including Salva Kiir and Paul Malong, that their people are being unfairly targeted and threatened, which is fuelling a cycle of mutual resentment and revenge.[14]

14. Several of Salva Kiir's recent appointments to the transitional government have further inflamed these tensions. On 23 July 2016, he replaced Riek Machar as First Vice-President with Taban Deng Gai, an ethnic Nuer from Unity state. The breadth of Deng Gai's political and military constituency outside his home area of Guit is questionable and, as a result of his previous tenure as governor of Unity state, he is deeply unpopular among many Nuer. On 29 August, 14 paramount chiefs representing Nuer in Upper Nile, Unity and Jonglei states issued a statement in which they condemned the appointment.[15] The Bul, a Nuer subclan that had been allied with SPLM/A in Government, are also enraged by the appointment and may defect to the opposition.

15. Salva Kiir's appointment of Stephen Dhieu Dau as Minister of Finance and Economic Planning on 28 July is another example of inflammatory appointments. As the Panel documented in its report of January 2016, Dhieu Dau was involved in arming the Dinka Padang militia in Upper Nile state using funds from the Ministry of Petroleum and Mining when he served as Minister, exacerbating violence between the Dinka, the Shilluk and the Nuer in Upper Nile state (S/2016/70, para. 56). The Panel subsequently obtained further documentary evidence proving that, as Minister of Petroleum and Mining, Dhieu Dau directed the national oil company, Nilepet, to cover military-related expenses, circumventing national budget and financial management processes. Shilluk militias allied to SPLM/A in Opposition are using these developments to mobilize young people in western Upper Nile state in advance of an anticipated return to fighting in the coming months.[16]

16. In the first half of 2016, the cycle of intertribal violence, escalation and reprisal has been particularly pronounced in the Bahr el Ghazal and Equatoria regions. Large-scale tribal-based violence erupted in Raja and Wau in May and June, culminating in three days of widespread killings in the town of Wau between 24 and 26 June.[17] A government investigation into the event reached the following conclusion: "Wau state is extremely polarized on tribal lines, and tribalism has reached a level whereby the social fabric of society has been affected."[18] Opposition elements and anti-Government militias have sought to exploit the insecurity and tribal tensions to mobilize and engage in military operations to advance local political aspirations, conduct reprisal attacks and cattle raids and, in some instances, to seek integration into SPLA, not to disarm but rather to gain access to the resources associated with membership of the armed forces.

[13] Source: Panel interview with a former high-ranking government official in Nairobi, 15 August 2016.
[14] Source: Panel interviews with four senior government officials in Nairobi, 15 August 2016.
[15] "Nuer chiefs disown new FVP Taban Deng", *Sudan Tribune*, 29 August 2016. Available from www.sudantribune.com/spip.php?article60072.
[16] Source: interviews with SPLM/A in Opposition sources and a high-ranking Shilluk officer.
[17] Fighters from the Darfuri Justice and Equality Movement were reported to have taken part in fighting in Raja in June in support of the Government. See https://radiotamazuj.org/en/article/jem-forces-enter-raja-governor-back-town.
[18] Government of the Republic of South Sudan, "Report of the investigation committee on Wau incident of 24th-26th June 2016" (Juba, 1 August 2016, pp. 18-19). Available from https://radiotamazuj.org/sites/default/files/Wau%20Report.pdf.

17. In Western Equatoria state, the attempts to broker peace agreements between the government and local defence forces notwithstanding, violence has been persistent, with frequent reports of forced disappearances and widespread killings by government forces of local civilians and individuals suspected of anti-government activities.[19] The opposition has mobilized forces in the Equatorias as it has shifted the focus of its operations closer to Juba since the fighting in the city in July. SPLM/A in Opposition and other armed groups have conducted raids and attacks throughout Central Equatoria state in an attempt to fuel an insurgency, further destabilizing the security situation. The deployment in these areas of Dinka soldiers, who have conducted much of the counter-insurgency operations and the associated violence, has aggravated tensions with local communities.

18. The most prominent tribal organization to mobilize opposition to the Agreement is a self-appointed body of Dinka politicians calling itself the Jieng (Dinka) Council of Elders, which is led by a former Chief Justice of the Supreme Court, Ambrose Riiny Thiik. The Vice-Chair is Joshua Dau Diu. Salva Kiir meets the group's leaders regularly.[20] Shortly after IGAD circulated the proposed peace agreement in July 2015, the Jieng Council declared its opposition, claiming in a written statement that it represented a "glaring appeasement of hell-bent coup plotters" and was "tailor made for Riek Machar and his followers and so this alone is sufficient to warrant opposition to the tenets of the whole agreement ... We are now convinced that the IGAD-led mediation has failed; we advise the parties to seek alternative mechanisms".[21]

19. Many of the Jieng Council's specific objections to the proposed agreement, including to the Joint Monitoring and Evaluation Commission, foreshadowed the 16 reservations issued by Salva Kiir's government when he signed the Agreement in August 2015 and which the Jieng Council claimed credit for drafting. The Jieng Council has since been the source of several initiatives to undermine the Agreement, including writing an initial version of Kiir's decree of 2 October 2015 to increase the number of states in South Sudan from 10 to 28, which the IGAD Council of Ministers subsequently determined was "inconsistent" with the terms of the Agreement.[22]

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[19] Source: multiple confidential interviews with South Sudanese politicians and United Nations officials; Human Rights Watch, "South Sudan: army abuses spread west", 6 March 2016, available from www.hrw.org/news/2016/03/06/south-sudan-army-abuses-spread-west.

[20] The most recently publicly acknowledged meeting between Salva Kiir and the Jieng Council was on 9 August 2016.

[21] "The position of the Jieng Council of Elders on the IGAD-Plus Proposed Compromise Agreement, 21 July 2015", South Sudan Nation, 4 August 2015. Available from www.southsudannation.com/the-position-of-jieng-council-of-elders-on-the-igad-plus-proposed-compromise-agreement/.

[22] In an interview with *Al-Mawqif* newspaper in Juba on 28 October 2015, Ambrose Riiny Thiik admitted that the group had initiated the proposal to the Presidency to create additional states in South Sudan. See also the statement attributed to a prominent member of the Council, Aldo Ajou Deng, who described international opposition to the 28-states decree as "the regime change agenda ... being presented in different forms" (see https://radiotamazuj.org/en/article/jieng-official-blasts-igad-says-changing-28-states-regime-change) and the communiqué of the 55th extraordinary session of the IGAD Council of Ministers, held in Addis Ababa on 30 and 31 January 2016, available from http://igad.int/attachments/1275_55COM_Communique.pdf.

Collapse of the national economy

20. After 33 months of war, the South Sudanese economy has effectively collapsed as a direct result of government policies, leading to an inflation rate of 661.3 per cent in August 2016,[23] the severe disruption of markets, the erosion of law and order and a rise in criminal activity, due in large part to the decrease in access to basic commodities, including food, especially in the cities.[24]

21. The government has not undertaken any of the potentially transformative economic reforms stipulated in the Agreement. The rising cost of living, coupled with the continued failure of the government to pay salaries regularly, has exacerbated tensions within the military and among the broader population.

22. The Ministry of Finance and Economic Planning failed to present a budget to the National Assembly before the beginning of the fiscal year in South Sudan on 1 July. On 8 August, Stephen Dhieu Dau cancelled all unredeemed cheques previously issued by the transitional government.[25] Civil servants have not been paid since May 2016. In August, the Ministry issued an order (No. 004/2016) for all government agencies to close their accounts with commercial banks and reopen accounts solely with the Bank of South Sudan, a clear indication of looming bankruptcy and an attempt to consolidate any remaining assets.

23. By the government's own account, the vast majority of government revenue — 97 to 98 per cent of which derives from oil sales — has funded security expenses and the war effort, including the procurement of weapons, rather than social services.[26] As oil revenue has declined, even the already negligible social service spending has evaporated, just as commodity prices have spiked, reaching more than 10 times the five-year average in a number of the country's key markets. The consumer price index has risen by 77.7 per cent — on a monthly basis — over a one-year period, surpassing the widely used hyperinflation threshold of 50 per cent inflation per month.[27] Thus, prices of basic commodities in Juba have risen by as much as 45 to 80 per cent for legumes, 12 to 58 per cent for cereals, 144 per cent for sorghum and up to 70 or 80 per cent for fuel. Price increases have also occurred in the states because of the increased transportation costs associated with rising insecurity. For example, the price of maize increased between 135 and 144 per cent in Kapoeta, Eastern Equatoria state, and 488 per cent in Yida, Unity state.[28]

24. The South Sudanese pound has depreciated by nearly 90 per cent since the Bank of South Sudan floated the exchange rate in December 2015. In addition, the violence in Juba in July has led to severe insecurity along the Nimule-Juba and

[23] See www.tradingeconomics.com/south-sudan/inflation-cpi.

[24] More than 40 per cent of the population (4.8 million people) is considered severely food insecure, with pockets of famine evident in some regions.

[25] "South Sudan's finance ministry cancels all unpaid cheques," *Sudan Tribune*, 8 August 2016. Available from www.sudantribune.com/spip.php?article59864.

[26] See the web portal of the Ministry of Finance and Economic Planning, http://grss-mof.org/.

[27] Famine Early Warning Systems Network, "Drastic food price increases further reduce household food access", 23 August 2016. Available from www.fews.net/east-africa/south-sudan/alert/august-23-2016.

[28] World Food Programme, "South Sudan market price monitoring bulletin", 12 August 2016. Available from http://documents.wfp.org/stellent/groups/public/documents/ena/wfp286257.pdf.

Rumbek-Wau-Aweil roads, the two main economic arteries into and within South Sudan, respectively, which has significantly reduced trade flows.

II. Transfer of arms and related materiel

25. The Panel has received numerous reports from sources in the government, SPLA, SPLM/A in Opposition, Member States and the United Nations of arms transfers into South Sudan since the formation of TGNU in April 2016. Investigations to establish the origins of the shipments and their use in South Sudan are under way. As at mid-August 2016, the Panel had found no evidence of significant arms procurement by SPLM/A in Opposition. The Panel had, however, received numerous reports of significant continuing arms procurement by SPLM/A in Government, which are detailed below.

L-39 jet fighters

26. On 7 July, the SPLA spokesperson, Lual Ruai Koang, announced that "two L-39 Jet Fighters from SPLA Air Force will conduct air shows" over Juba.[29] When fighting broke out in the city the next day, there were numerous reports on social media of jets being sighted, although there were no reports of their direct involvement in the fighting. Subsequently, the Panel received a report that at least one jet was observed at Malakal airport on 16 August, together with two Mi-24 helicopters, and that the aircraft conducted combat operations against SPLM/A in Opposition positions in Nasir later the same day.[30] The photograph in annex IV proves the presence of an L-39 jet at Malakal airport on 31 August.

27. The jets have not previously been reported to be operating in South Sudan and are, therefore, probably a recent acquisition by SPLA. While the Panel has received preliminary reports from two sources that the jets were serviced and painted in Uganda, it has not yet been able to confirm their origin or whether they have been purchased or are on loan.

Ammunition manufacture

28. The Panel received information in November 2015 from a high-ranking military source that the government was seeking to build a manufacturing facility for small arms ammunition in Juba. Through further investigations, the Panel was able to obtain documentation showing that the SPLA Chief of General Staff, Paul Malong, had requested a company registered in Lebanon, Rawmatimpex, to begin the development of the facility. Travel records show that a meeting was held in Beirut in late 2015 between SPLA officers designated by Malong and Rawmatimpex representatives. It is not clear from the information currently available whether this project has proceeded in the intervening period.

[29] See www.nyamile.com/2016/07/07/breaking-fighting-in-south-sudan-capital/.
[30] UNMISS report of 17 August 2016 (not publicly available).

Ammunition procurement

29. In late June 2016, the Panel received information from a high-ranking SPLA source that two truckloads of ammunition had been transferred overland from Uganda to Juba via Nimule on or about 11 June.[31] The report was confirmed to the Panel by the representative of an IGAD Member State in Juba. Another high-ranking SPLA source told the Panel that the shipment had contained small arms ammunition and been procured in advance of an expected, unspecified operation. The Panel presented that information to the Minister of Defence and Veterans' Affairs, Kuol Manyang, and the SPLA Chief of General Staff, Paul Malong, on 23 June, but neither of them provided a substantive response.

Other arms transactions

30. Media reports in July indicated that the Spanish police had arrested a number of individuals in connection with a long-running European Police Office investigation into a European arms smuggling network. South Sudan was noted as being among the countries involved in procuring arms through this network. The Panel has corresponded with the relevant authorities and is awaiting further information as the investigation proceeds.

III. Threats against the United Nations Mission in South Sudan, other United Nations agencies and international humanitarian personnel

31. In both rhetoric and action, forces affiliated with SPLM/A in Government have actively threatened the operations and personnel of UNMISS and other United Nations agencies, and both parties have continued to target humanitarian workers. These actions have escalated in severity and scope since the violence in Juba in July.[32]

United Nations Mission in South Sudan and other United Nations actors

32. The political pronouncements of Salva Kiir, Cabinet ministers such as the Minister of Information and Broadcasting, Michael Makuei, and the Jieng Council have consistently displayed hostility towards the United Nations and misrepresented

[31] When a confidential military source is referred to as a "high-ranking" officer or commander in SPLA or SPLM/A in Opposition, the source holds the rank of major general or above. When a confidential military source is referred to as a "senior" officer or commander in SPLA or SPLM/A in Opposition, the source holds a rank between lieutenant colonel and brigadier general.

[32] Source: Panel interviews with multiple United Nations sources. As an illustration, the Office for the Coordination of Humanitarian Affairs reported 64 humanitarian access incidents in June and 90 incidents in July. The incidents include, but are not limited to, violence against humanitarian personnel and assets, with 13 per cent of such violent incidents related to harassment or threats against humanitarian staff in June, compared with 24 per cent in July. See Office for the Coordination of Humanitarian Affairs, "South Sudan: humanitarian access situation snapshot — June 2016, available from http://reliefweb.int/sites/reliefweb.int/files/resources/access_snapshot_20160705.pdf, and "South Sudan: humanitarian access situation snapshot — July 2016", available from http://reliefweb.int/sites/reliefweb.int/files/resources/access_snapshot_20160818.pdf.

its work and intentions, creating a context in which attacks against United Nations personnel and facilities can be construed as a defence of SPLM/A in Government and the sovereignty of South Sudan.

33. As at the date of submission of the present report to the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan (6 September), SPLM/A in Government had sent conflicting messages about its stance towards the regional protection force envisaged by the Security Council in its resolution 2304 (2016). The Minister of Cabinet Affairs, Martin Elia Lomoro, released a joint communiqué by TGNU and the Council on 4 September indicating that the Government had consented to the force following the visit by Council representatives to South Sudan. On 5 September, the Minister of Information and Broadcasting then told the media: "That consent does not mean automatic entrance into South Sudan. We need to know what are these contributing countries. We need to know the size because that 4,000 is the ceiling, but we are not duty bound. We can negotiate and even agree on 10."[33] He further stated: "If we don't accept it, if we don't agree with that, nobody will enter South Sudan. Anybody who enters without our consent is 'an invader'".[34]

34. Before the visit by the Security Council, the majority of the SPLM/A in Government statements on the regional protection force had been in opposition to it. On 19 August, Salva Kiir told the media: "The UNMISS here has so many foreign troops, so we will not even accept a single soldier. We will not accept that."[35] On 12 July, his spokesperson, Ateny Wek Ateny, told Reuters: "We are not going to cooperate on that because we will not allow our country to be taken over by the UN ... Any force that will be called Juba Protection force will not be accepted."[36] In a statement to the media on 13 August, the Permanent Representative of South Sudan to the United Nations, Akuei Bona Malwal, warned that the Government would not be responsible for any clashes between the protection force and armed elements, including SPLA, and that the deployment of the force without the consent of SPLM/A in Government would be "a risky venture".[37] Notwithstanding claims of more conciliatory rhetoric, such as that reflected in Kiir's speech to the parliament on 15 August,[38] on 25 August Radio Tamazuj reported that Wek Ateny had denied

[33] Okech Francis, "South Sudan accepts deployment of extra 4,000 troops", Bloomberg, 5 September 2016. Available from www.bloomberg.com/news/articles/2016-09-05/south-sudan-accepts-deployment-of-extra-4-000-un-troops.

[34] Denis Dumo and Michelle Nichols, "South Sudan spells out unresolved protection force issues", Reuters, 5 September 2016. Available from www.reuters.com/article/us-southsudan-security-un-idUSKCN11B22H.

[35] "Insider: politicians resisting idea of more peacekeepers in South Sudan", Radio Tamazuj. Available from https://tamazuj.atavist.com/insider-politicians-resisting-idea-of-more-peacekeepers-in-south-sudan.

[36] See www.aljazeera.com/news/2016/08/approves-peacekeeping-force-south-sudan-160812191513815.html.

[37] See the pro-Kiir *National Courier* newspaper, available from www.facebook.com/thenationalcourier/posts/625159727649066.

[38] In this speech, Salva Kiir stated emphatically that "South Sudan is not instinctively or automatically against IGAD and UN involvement ... Already there are people who are accusing the TGoNU of refusing and fighting the UN. I want to confirm on this great day that this is not an accurate appraisal of our position". See www.gurtong.net/LinkClick.aspx?fileticket=WXuIVjX3umY%3D&tabid=124.

reports that SPLM/A in Government had agreed to the force after a meeting between IGAD ministers for foreign affairs and the Secretary of State of the United States of America, John Kerry, on 22 August.[39]

35. The Jieng Council has also been instrumental in mobilizing opposition to the United Nations and the force called for by IGAD and in Security Council resolution 2304 (2016). In an interview with Radio Tamazuj on 18 July, the Chair of the Jieng Council, Ambrose Riiny Thiik, said the following: "The Council calls on the people of South Sudan to not be tempted and listen to those propagating proposal to send in additional foreign troops, which is a declaration of war and invasion of the country ... There is no need for them and if the planners insist, then the people have to rise and stand with the government".[40] On 19 and 20 July, the Jieng Council organized protests against the force in Juba and in the town of Bor, Jonglei state. Four UNMISS staff — one international and three national staff — were attacked by protesters armed with machetes and sticks during the protest in Bor.[41] In a statement dated 15 August but circulated via e-mail to a large distribution list, including the Coordinator of the Panel, on 4 September (the same day as the joint communiqué indicating consent for the force), the Jieng Council described resolution 2304 (2016) as a "misguided document" that undermines the country's sovereignty by placing it under a United Nations/African Union trusteeship; asserted that "South Sudan does not need foreign troops who are bent on toppling the government"; and called upon "citizens of South Sudan to reject any external interference with our sovereignty".[42]

36. Armed government actors are imposing debilitating movement restrictions on UNMISS across the country.[43] Incidents of harassment when entering the country at Juba International Airport, including routinely holding up United Nations staff members upon arrival,[44] have sharply increased since July. The transitional government has also seized the passports of UNMISS staff[45] and restricted or

[39] "South Sudan presidency denies accepting regional troops", Radio Tamazuj, 26 August 2016. Available from https://radiotamazuj.org/en/article/south-sudan-presidency-denies-accepting-regional-troops.

[40] "Dinka Council of Elders warns war over additional UNMISS troops", Radio Tamazuj, 18 July 2016. Available from https://radiotamazuj.org/en/article/dinka-council-elders-warns-war-over-additional-unmiss-troops.

[41] United Nations Operations and Crisis Centre alert, 19 July 2016 (not publicly available).

[42] "Jieng Council of Elders rejects the UN Security Council resolution 2304", Juba, 15 August 2016. Available from www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/19832/The-Jieng-Council-Of-Elders-Rejects-The-UN-Security-Council-Resolution-2304.aspx.

[43] According to information compiled by the UNMISS Legal Affairs Unit, between 1 June and 28 August 2016, UNMISS recorded 56 incidents in violation of the status-of-forces agreement attributed to SPLM/A in Government. A total of 11 incidents were recorded in June, 23 in July and 22 in August. Restrictions on UNMISS movement and obstruction of UNMISS activities continue to constitute the majority of violations, with 6 such incidents recorded in June, 14 in July and 10 recorded as at 28 August.

[44] "Health cluster bulletin", No. 2, 9 August 2016. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20Health%20Cluster%20Bulletin-%202.pdf.

[45] The passports of 90 UNMISS staff were reportedly confiscated between 16 and 31 July, according to the Office of the Special Representative of the Secretary-General and Head of UNMISS.

attempted to restrict United Nations air assets, in contravention of the status-of-forces agreement.[46]

International humanitarian personnel

37. At the time of writing, 59 national and international aid workers had been killed in South Sudan since December 2013.[47]

38. On 11 July in Juba, many SPLA forces proceeded to "celebrate" the end of the fighting with SPLM/A in Opposition by indulging in widespread looting. During the looting, a force of between 80 and 100 uniformed soldiers[48] overran the Terrain compound, a residential complex for the staff of international organizations. Over a four-hour period, the soldiers beat and abused many of the residents, raped and gang-raped at least five international aid workers and an unknown number of staff working at the compound and executed a Nuer employee of the non-governmental organization Internews, John Gatluak, in front of his colleagues in an ethnically targeted killing. The soldiers damaged every single room and looted the compound extensively, stealing over 25 vehicles.[49] Considering the degree of violence inflicted, the high number of armed actors who participated, the vast quantity of items stolen and the systematic damage exacted on the sprawling compound, the Panel has concluded that the attack was well coordinated among the perpetrators and cannot be considered to be an opportunistic act of violence and robbery. Moreover, the attack represents a clear turning point in the level of brutality inflicted by South Sudanese soldiers on international humanitarian personnel.[50]

39. In the first seven months of 2016 alone, more than 470 humanitarian access incidents were reported. Of those, 90 were reported in July — the highest number in any month since June 2015. Humanitarian compounds, convoys and supplies were attacked and looted in six states.[51] The high level of insecurity has led humanitarian agencies to evacuate partially or completely in areas of Wau, Leer and the

[46] For example, on 18 July, the Government denied clearance for an UNMISS flight from Bor to Juba and UNMISS was subsequently informed that a ban on rotary-wing aircraft would be extended nationwide.

[47] "Humanitarian coordinator demands there be no more attacks against aid workers in South Sudan", Office for the Coordination of Humanitarian Affairs, 19 July 2016. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/SS_160819_World_Humanitarian_Day_Press_Release.pdf. This was confirmed to the Panel by staff of the Office in Juba on 5 September.

[48] Some witnesses indicated that they were members of the Presidential Guard, otherwise known as the "Tiger Battalion".

[49] "Report on the events at Yei Road Camp (Terrain Camp) on the 11/07/16", submitted by the Terrain compound manager to the Transitional Government; confidential annex; and multiple independent sources interviewed by the Panel.

[50] On 23 August, the Secretary-General announced that an independent special investigation would be conducted into the violence in Juba and the response of UNMISS. See www.un.org/press/en/2016/sga1677.doc.htm.

[51] In July, humanitarian compounds in Leer (Unity state) were looted for the third time since December 2013, leaving the town yet again without any health service providers as a result of the insecurity. See "OCHA humanitarian bulletin South Sudan", No. 12, 23 August 2016, available from http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_SouthSudan_humanitarian_bulletin_12.pdf; and "Health cluster bulletin", No. 2, 9 August 2016, available from http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20Health%20Cluster%20Bulletin-%202.pdf.

Equatorias.[52] On 10 July, the clearly marked South Sudan Red Cross warehouse in Juba was bombed, seriously damaged and looted,[53] and an International Medical Corps maternity ward inside the United Nations House base was hit and damaged.[54] On 11 July, uniformed soldiers entered the main warehouse of the World Food Programme in South Sudan, allegedly using SPLA trucks and cranes, and systematically looted 4,500 tons of food — enough to feed 220,000 people for a month — in addition to trucks, generators and other relief items, in a sophisticated and sustained operation that continued for four days after the fighting had ended.[55]

IV. Conclusion

40. The Panel's investigations since the formation of TGNU in April indicate that the most severe security threat facing the transitional government arises from the policies and tactics of the belligerent parties to the Agreement. The focus of many of the central military and political figures on mobilizing their tribes has continued to escalate the conflict from a primarily political to a tribal war. That war has been further exacerbated by the collapse of the economy because of falling oil prices, mismanagement and the diversion of resources towards military expenditure. In combination with this increased tribalization, the failure of the transitional government to provide basic services or develop infrastructure has undermined the social fabric of South Sudan, making the conflict even more intractable.

41. Lastly, the mass importation of arms and, in particular, weapon systems such as Mi-24 attack helicopters since the beginning of the war in 2013 has served only to encourage those who seek a military solution to the conflict. The Panel has found that weapons are continuing to be procured, with the civilian population bearing the brunt of the resulting harm.

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[52] "Tens of thousands of displaced people in Wau, Leer and the Equatorias are suffering largely out of sight as we and other humanitarian actors are unable to reach them." Médecins sans frontières, "Access to essential healthcare dramatically reduced due to increased violence", 25 August 2016, available from www.msf.org/en/article/south-sudan-access-essential-healthcare-dramatically-reduced-due-increased-violence; "OCHA humanitarian bulletin South Sudan", No. 12, 23 August 2016, available from http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_SouthSudan_humanitarian_bulletin_12.pdf.

[53] "Joint statement by the South Sudan Red Cross, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies on the Movement's response following the upsurge in the conflict", 15 July 2016. Available from www.southsudanredcross.org/index.php?option=com_content&view=article&id=140:joint-statement-by-the-south-sudan-red-cross-ssrc-the-international-committee-of-the-red-cross-icrc-and-the-international-federation-of-the-red-cross-and-red-crescent-societies-ifrc-on-the-movements-response-following-the-upsurge-in-the-conflict-&catid=7:news.

[54] International Medical Corps, "International Medical Corps' hospital in Juba hit by shelling amidst escalating violence in South Sudan", 11 July 2016. Available from https://internationalmedicalcorps.org/2016_07_11_pr_south-sudan-violence.

[55] Source: senior SPLA officer; World Food Programme, "WFP condemns looting of food warehouse in Juba, still assists thousands affected by fighting", 14 July 2016, available from www.wfp.org/news/news-release/wfp-condemns-looting-food-warehouse-juba-still-manages-assist-thousands-affected-f; Panel interview with Programme staff in August 2016; e-mail from Programme office in Juba, 26 August 2016. As at 29 August, none of the food or relief items had been returned.

Annex I: Violence in Juba in July 2016

On 2 July, an SPLM/A in Opposition intelligence officer, Lt. Colonel George Gismala, was shot and killed in Juba. On 7 July, a shootout between SPLM/A in Government and SPLM/A in Opposition soldiers erupted at a checkpoint in the Gudele area of Juba during which five SPLM/A in Government personnel were reportedly killed. On 8 July, Kiir invited then-First Vice-President Machar to the presidential compound (known as J1) in central Juba to discuss these incidents. While this meeting was taking place, fighting broke out in the immediate vicinity of the compound resulting in more than 300 fatalities.[1] The events that sparked the violence are contested by the government and opposition.[2]

After a brief pause in fighting on 9 July, a major military engagement broke out between SPLM/A in Government and SPLM/A in Opposition forces on 10 July in the western section of Juba, near the site at Jebel Mountain where SPLM/A in Opposition forces were cantoned. Fighting then spread toward the Yei military checkpoint, which guards the main road from Juba toward the southwest and is near UNMISS headquarters. Observers stated that the SPLA conducted a coordinated attack using Mi-24 helicopters, tanks, armoured vehicles, heavy weapons, and infantry.[3] In the course of the fighting, two Chinese peacekeepers were killed and several more peacekeepers were injured while patrolling in the vicinity of the UN Juba HQ. Fighting also occurred in the Tomping suburb of Juba in the vicinity of the UNMISS logistics base and the airport, as some units apparently defected from the SPLA and engaged in the fighting.[4]

Combat between the SPLA and SPLM/A in Opposition continued on 11 July—again centred on the Yei checkpoint—as the SPLM/A in Opposition sought to flee the city toward the southwest. By that afternoon, large-scale fighting in Juba had mostly concluded, and the SPLA had taken control of the SPLM/A in Opposition cantonment sites. The bulk of the surviving opposition forces had fled the city, and a limited number may have entered the UN Protection of Civilian (PoC) sites.[5]

After the fighting in Juba, the Panel received multiple, independent reports of civilians being killed both in the cross-fire and in targeted killings. According to the South Sudan Protection Cluster, the SPLA deliberately targeted civilians on the basis of their ethnicity, perpetrating unlawful killings, arbitrary arrests, enforced disappearances and sexual violence. House-to-house searches were conducted in at least five neighbourhoods in Juba, targeting mainly Nuer men and women,[6] but also individuals perceived as "anti-government."[7] Ethnic violence also included widespread sexual violence during and especially in the aftermath of the fighting and announcement of a ceasefire, in particular rapes and gang-rapes of Nuer women and girls. The UN documented at least 217 cases of sexual violence, mainly Nuer women, in Juba alone between 8 and 25 July.[8]

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[1] Letter from Kiir to IGAD heads of government, 12 July 2016

[2] The Permanent Mission of the Republic of South Sudan to the United Nations briefed the Panel on its version of events on 13 July 2016. The Panel has also discussed the incident with representatives of the SPLM in Opposition and the G10 and conducted interviews with witnesses. There are discrepancies among these accounts, including a number of questions raised by the SPLM/A in Government's version of events. However, exposition of this issue is beyond the remit of the current report.

[3] Confidential expert source, 15 July 2015

[4] Ibid.

[5] Some SPLM/A in Opposition personnel are reported to have sought shelter in the UNMISS PoC sites, though the number of personnel is unclear. The majority of SPLM/A in Opposition forces were reported by UNMISS to have departed Juba.

[6] The South Sudan Protection Cluster coordinates humanitarian protection activities for internally-displaced persons (IDPs) and is co-led by UNHCR and the Norwegian Refugee Council (NRC). Protection Cluster update on Juba violence (8-21 July) dated 25 July, https://www.humanitarianresponse.info/en/operations/south-sudan/document/protection-situation-update-outbreak-conflict-juba, accessed on 30 August; and confirmed by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein statement dated 4 August, "While some civilians were killed in crossfire between the fighting forces, others were reportedly summarily executed by Government (SPLA) soldiers, who appear to have specifically targeted people of Nuer origin." http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20339&LangID=E, accessed on 4 August 2016.

[7] Multiple confidential interviews conducted by the Panel with one SPLM official, civil society and international observers.

[8] UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein statement dated 4 August, http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20339&LangID=E, accessed on 4 August 2016.; and UNMISS Human Rights Division confirmed they are still receiving cases of sexual violence in Juba at time of writing, Phone interview with UNMISS official, 24 August 2016.

Annex II: Map of Juba

Annex III: Command and Control Within the Parties to the TGNU

In attributing command responsibility for actions or policies meeting the criteria for the imposition of sanctions described by the Security Council in paragraphs 8 and 9 of its resolution 2290 (2016), the Panel has followed the understanding of command responsibility outlined in articles 86 and 87 of Additional Protocol I to the Geneva Conventions of 1949, to which South Sudan acceded in July 2012.[9] Article 86 states that, among other things, parties to the Conventions are required to "repress grave breaches" of the Conventions. Furthermore, according to article 86:

"The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach. The essential elements for command responsibility therefore require that there was a relationship, even if de facto, between a superior and a subordinate linking those who committed the breach to the commander at the time of the commission of the breach; that the superior had knowledge or had reason to know that his subordinates had committed or were likely to commit the breach; and that there was a failure on the part of the superior to take all necessary and reasonable measures to prevent or to punish the breach."

The essential elements for command responsibility therefore require that there was a relationship, even if de facto, between a superior and a subordinate at the time of the commission of the breach; that the superior knew or should have known that his subordinates had committed or were likely to commit the breach; and that there was a failure on the part of the superior to take all necessary and reasonable measures to prevent or to punish the breach.[10]

In late June 2016, representatives of the Ministry of Foreign Affairs and the Office of the President confirmed to the Panel that security decisions and the planning of military operations, including responses to what the SPLM in Government deem to be acts of aggression by armed opposition groups, are undertaken by the "national security council." The Ministry of Foreign Affairs and the Office of the President confirmed that the members of this group are: President Salva Kiir, Minister of Defence and Veterans Affairs Kuol Manyang, SPLA Chief of General Staff Malong, Minister of Information Michael Makuei, then-Minister of Finance Deng Athorbi (who Kiir replaced with Stephen Dhieu Dau in July), Minister for National Security Obutu Mamur, Director of the National Security Service's Internal Security Bureau Akol Koor, Director of the National Security Service's External Security Bureau Thomas Duoth, and Presidential Advisor Kew Gatluak. No representative of the SPLM/A in Opposition or the G10/former detainees were included.

According to several senior SPLA officers, Malong personally oversaw operations in Wau, Western Bahr El Ghazal state in June and in Juba in July as well as the effort to hunt Machar in Greater Equatoria in August. As described in section II of this report, Kiir and Malong maintain operational control of air assets, such as the Mi-24s. However, multiple senior and high-ranking SPLA officers have noted to the Panel that there is discontent within the SPLA at the increasing tribalisation of the army, which is attributed to Malong's reliance on troops from his home area in Bahr el Ghazal.

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[9] See International Committee of the Red Cross (ICRC), "South Sudan: world's newest country signs up to the Geneva Conventions", 19 July 2012. Available from www.icrc.org/eng/resources/ documents/news-release/2012/south-sudan-news-2012-07-09.htm.

[10] See "Command responsibility and failure to act", Advisory Service on International Humanitarian Law (ICRC, May 2014). Available from www.icrc.org/eng/assets/files/2014/ command-responsibility-icrc-eng.pdf.

With respect to the command responsibility under the Geneva Conventions to "punish the breach" of those conventions, the Panel has taken note of the recent court martial proceedings following the July events in Juba. During this spate of violence, civilians were targeted on the basis of their ethnicity, in particular Nuer men and women. The Panel interviewed one victim, who was shot in the arm and wounded by SPLA soldiers. He was part of a group of 7 Nuer men, aged between 17 and 26, who were moving from one house to another seeking safety on 11 July. They were escorted by four Nuer SPLA soldiers and were stopped by soldiers in SPLA uniform at a checkpoint. The escorting soldiers were disarmed, and two were shot and killed on the spot. The soldiers at the checkpoint then fired at the seven boys, killing one and wounding two of them. The victim told the Panel how the soldiers at the checkpoint had first asked their escorts whether they were Nuer and when this was affirmed, the violence started.

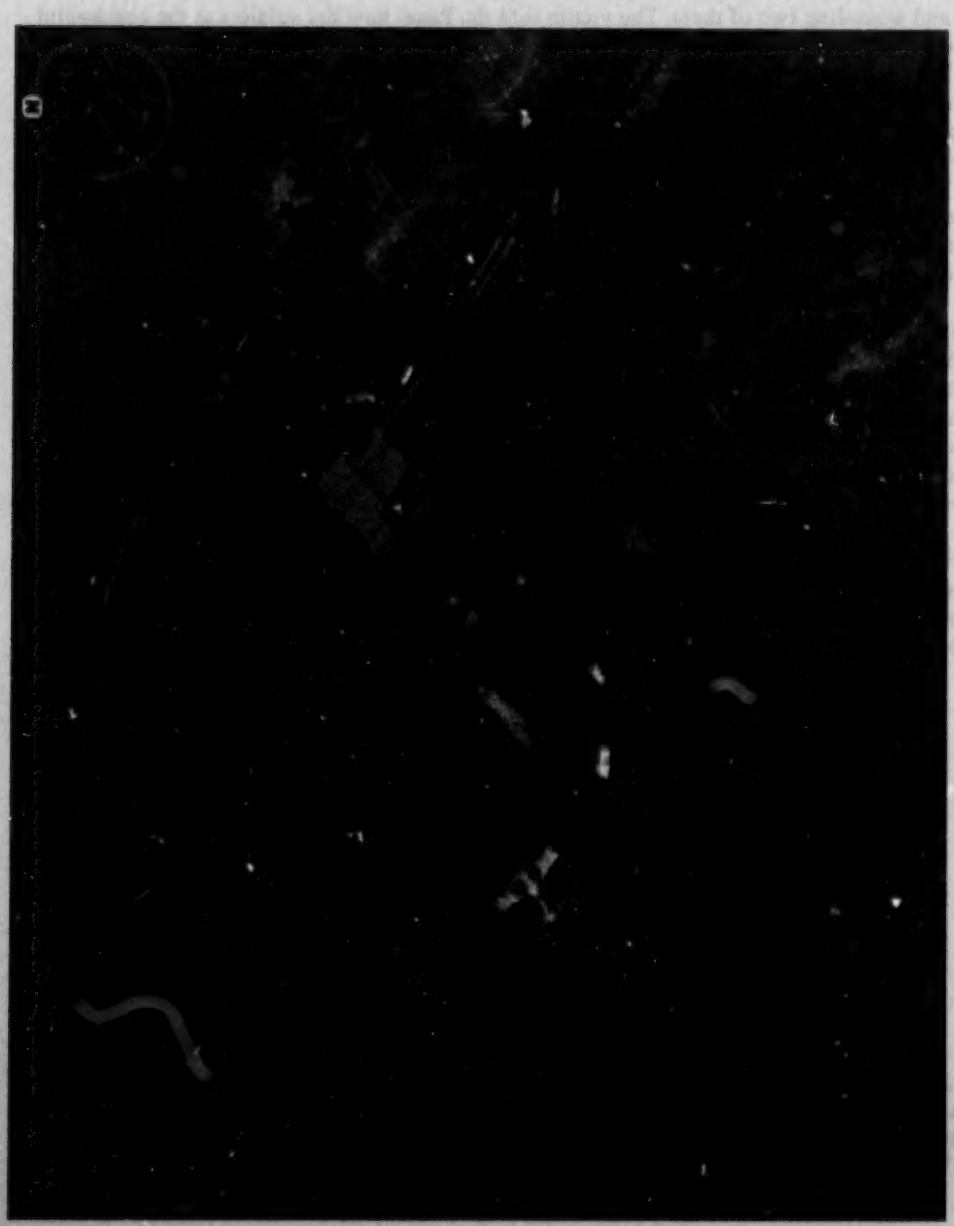
Sixty soldiers were reportedly tried on charges relating to murder, random shooting, looting and violation of human rights committed during the Juba violence in July.[11] However, no soldier was charged with rape or sexual violence. Furthermore, the Panel was not in a position to verify whether any soldier has been charged with the attack on the Terrain compound.[12] The Panel will continue to follow the results of these court martial proceedings, in particular as they relate to violence committed during the fighting in July in Juba as well as the sexual violence committed during but mainly in the aftermath of fighting and the Terrain compound attack.

In a 27 June 2016 meeting with the Panel in Juba, Riek Machar told the Panel that he maintained command and control of SPLM/A in Opposition forces, citing the example of the rise of tensions in Kajo-Keji, Central Equatoria in recent weeks between SPLA and SPLM/A in Opposition soldiers, when he claimed he had ordered his troops to redeploy away from SPLA positions. Machar also said that he had urged his forces in Western Bahr el Ghazal to refrain from fighting but that they had been "drawn into" the conflict in Raja, Western Bahr el Ghazal — a conflict that preceded (and foreshadowed) the outbreak of violence in Wau — after police attacked civilians.

Given recent developments, including President Kiir's decision on 3 August 2016 to dismiss some ministers from the TGNU and appoint new ministers as well as Machar's departure from South Sudan, the Panel is continuing its investigations into command and control within the SPLM in Government and the SPLM/A in Opposition and will provide any updated findings to the Council as soon as possible.

[11] Panel interview with UNMISS official; &"South Sudan claims to court martial 60 soldiers for looting," Radio Tamazuj, 31 August, 2016. https://radiotamazuj.org/en/article/south-sudan-claims-court-martial-60-soldiers-looting.

[12] UNMISS sources have privately shared concerns whether international standards of due process were adhered to during these trials.



Annex IV: L-39 at Malakal Airport, 31 August 2016

United Nations S/2016/794

Security Council

Distr.: General
19 September 2016

Original: English

Letter dated 13 September 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 13 quinquies of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 concerning the appointment of an ad hoc judge of the Tribunal.

Article 13 quinquies provides the following:

> If there is no permanent judge currently serving at the International Tribunal available for assignment to the Appeals Chamber, and all practical alternatives having been explored, the Secretary-General may, at the request of the President of the International Tribunal and after consultation with the President of the Security Council, appoint a former judge of the International Tribunal or of the International Criminal Tribunal for Rwanda who is also a judge of the International Residual Mechanism for Criminal Tribunals, as a judge of the International Tribunal, to be assigned on an ad hoc and temporary basis to the Appeals Chamber, notwithstanding article 12, paragraph 3, and article 14, paragraph 3, of the Statute. The terms and conditions of service of a judge appointed pursuant to this paragraph for each day on which he or she exercises functions for the Appeals Chamber shall be those of a judge ad hoc of the International Court of Justice.

By a letter dated 7 September 2016, the President of the Tribunal, Judge Carmel Agius, requested that Judge Burton Hall (Bahamas) should be appointed as a judge of the Tribunal pursuant to article 13 quinquies, so that he might be assigned to interlocutory appeals from the *Mladić* trial on an ad hoc and temporary basis (see annex).

Judge Hall is a former permanent judge of the Tribunal and the presiding judge in the *Stanišić and Simatović* case before the International Residual Mechanism for Criminal Tribunals. He would serve in the Tribunal and the Mechanism simultaneously, consistent with article 7 of the transitional arrangements set out in annex 2 to Security Council resolution 1966 (2010), which allows a judge of the Tribunal to hold the office of judge of the Mechanism.

Article 12 (3) of the statute of the Tribunal provides that the Appeals Chamber shall, for each appeal, be composed of five of its members. In the absence of a new judge, it would not be possible for the Tribunal to compose an appellate bench of five appellate judges for any interlocutory appeals that may be filed in the *Mladić*

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trial. This is because there are only seven permanent judges remaining at the Tribunal, of whom three are assigned to that trial.

I note that the President of the Mechanism has been consulted on this matter and that he agrees with the request.

In accordance with article 13 quinquies of the statute of the Tribunal, I look forward to receiving your views on the appointment of Judge Burton Hall as a judge of the Tribunal, to be assigned to the Appeals Chamber on an ad hoc and temporary basis.

(*Signed*) BAN Ki-moon

Annex

I have the honour to address you once more in relation to the composition of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

First of all, I wish to express my gratitude for the prompt action of the Security Council in addressing the request contained in my letter dated 29 July 2016 (S/2016/693, annex). In particular, I welcome the unanimous adoption of resolution 2306 (2016) on 6 September 2016 and take note of the amendment adding article 13 quinquies to the statute of the Tribunal.

Article 13 quinquies provides the legal basis for the appointment of an ad hoc judge of the Appeals Chamber. I recall that the number of permanent judges available to sit on any interlocutory appeals in the *Mladić* proceedings is currently insufficient and that all practical solutions have been explored. Furthermore, as previously set out, the accused recently filed before the Trial Chamber several requests for leave to appeal. If the Trial Chamber grants such leave, the accused has a maximum of seven days in which to file an interlocutory appeal. It is therefore crucial that an ad hoc judge be appointed as soon as possible.

In the light of the above, and in accordance with article 13 quinquies, I hereby request the appointment of Judge Burton Hall (Bahamas) to the Appeals Chamber of the Tribunal to allow his immediate assignment to any and all upcoming interlocutory appeals in the *Mladić* case, on an ad hoc and temporary basis.

As required under article 13 quinquies, Judge Hall is a former judge of the Tribunal who is also a judge of the International Residual Mechanism for Criminal Tribunals. In addition, given that he is currently presiding over trial proceedings at the Mechanism, he is now located in The Hague. Furthermore, he has indicated his availability to work on interlocutory appeals in the *Mladić* case, should any arise. In my view, therefore, Judge Hall's appointment would be efficient in terms of both time and cost.

Lastly, I can confirm that I have again consulted the Bureau on this matter and that all judges of the Tribunal are fully apprised of the adoption of article 13 quinquies and of the present request. In addition, I have consulted the President of the Mechanism, who is in agreement with Judge Hall's appointment.

I should be grateful if you would bring the present letter to the attention of the President of the Security Council at your earliest convenience.

(*Signed*) Judge Carmel **Agius**
President

United Nations S/2016/795

Security Council

Distr.: General
19 September 2016

Original: English

Letter dated 19 September 2016 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 13 September 2016 (S/2016/794) concerning your intention to appoint Judge Burton Hall (Bahamas) as an ad hoc judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in accordance with article 13 quinquies of the statute of the Tribunal, has been brought to the attention of the members of the Security Council. They take note of your intention.

(*Signed*) Gerard **van Bohemen**
President of the Security Council

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United Nations S/2016/796

Security Council

Distr.: General
16 September 2016

Original: English

Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015)

Report of the Secretary-General

I. Introduction

1. The present report is the thirty-first submitted pursuant to paragraph 17 of Security Council resolution 2139 (2014), paragraph 10 of Council resolution 2165 (2014), paragraph 5 of Council resolution 2191 (2014) and paragraph 5 of Council resolution 2258 (2015), in which the Council requested the Secretary-General to report, every 30 days, on the implementation of the resolutions by all parties to the conflict in the Syrian Arab Republic.

2. The information contained herein is based on the data available to United Nations agencies on the ground, from the Government of the Syrian Arab Republic, other Syrian sources and open sources. Data from United Nations agencies on their humanitarian deliveries have been reported for the period from 1 to 31 August 2016.

Box 1
Key points in August 2016

(1) Food assistance was provided to some 4.19 million people. However, only 5 per cent of this assistance was delivered through inter-agency convoys to besieged and hard-to-reach locations. A total of five inter-agency convoys were deployed to 10 hard-to-reach and besieged locations.

(2) The humanitarian situation across Aleppo continued to deteriorate with indiscriminate attacks, a shortage of basic supplies in the east and active fighting displacing some 30,000 people in western Aleppo.

(3) Forty medical evacuations were successfully undertaken from the besieged towns of Fu'ah and Madaya (1 on 13 August, 36 on 19 August and 3 on 20 and 21 August).

(4) Following Islamic State in Iraq and the Levant (ISIL) being pushed out of Manbij and Jarabulus, large movements of people going back into the towns were recorded.

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(5) On 26 and 27 August, following a local agreement between Syrian authorities and local representatives, the entire population of Darayya was evacuated.

(6) Fighting in late August resulted in the displacement of more than 55,000 people in Hama.

II. Major developments

3. During the reporting period, military activity and general insecurity resulted in the death of civilians and had a negative impact on the overall humanitarian situation. This includes the further damaging of civilian infrastructure, such as hospitals and schools. Insecurity was also one of the major factors limiting the ability of United Nations agencies and their partners to deliver much-needed humanitarian assistance. Heavy fighting continued across the country, including in Aleppo, Dayr al-Zawr, Hasakah, Idlib, Rif Dimashq and other governorates.

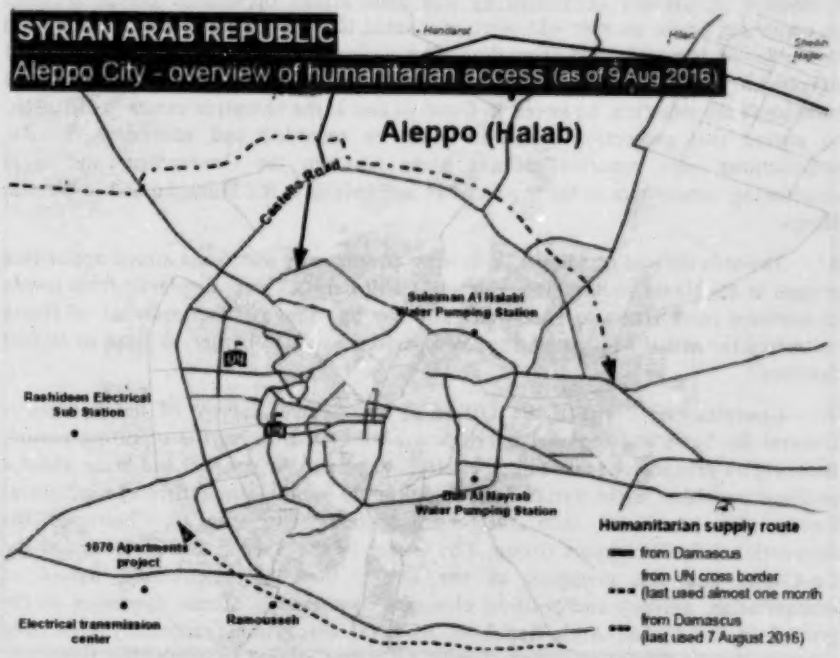
4. The humanitarian situation continued to deteriorate across Aleppo throughout the month. The United Nations remained largely unable to bring humanitarian assistance to eastern Aleppo throughout August. The United Nations Children's Fund (UNICEF) was able to deliver fuel to run the generators powering two of the three pumping stations, located in eastern Aleppo, for the entire city. In addition, the International Organization for Migration entered through the temporarily open Ramusah corridor in the south with one truck, but halted operation when a second was hit by a rocket. Owing to the fighting around Ramusah, the main supply route into western Aleppo was cut and regular food distributions to the west were not possible from mid-July until 13 August. The fighting also displaced nearly 30,000 people in the south-west of the city. The Ministry of Defence of the Russian Federation released a statement on 18 August supporting the United Nations call for a weekly 48-hour pause in fighting to allow for the delivery of humanitarian assistance, and discussions between the Co-Chairs of the International Syria Support Group, the Russian Federation and the United States of America, continued throughout the month.

Box 2
Aleppo city

(1) By early August, humanitarian access to eastern Aleppo had been cut for nearly a month, and conditions for the 250,000 to 275,000 people living in that area were deteriorating. Non-state armed opposition groups took control of Ramusah in the south-west on 7 August, opening a tentative corridor, but ongoing fighting limited access. The fighting also cut the main supply route into western Aleppo and displaced 5,970 families.

(2) In addition to ongoing air strikes and shelling, attacks on the power stations in the south of the city resulted in a citywide blackout. The power outage also temporarily stopped water service throughout the city. Without reliable access to goods and with prices rising, the eastern Aleppo local council began distributing food rations from their stocks on 13 August. The number of doctors in eastern Aleppo is limited, with only 35 reported in the area.

(3) Although a new route from the north into western Aleppo was opened, access was irregular. Humanitarian needs remained high, in particular in eastern Aleppo, where stocks of food and fuel were running low. Efforts to provide much needed relief continued.



Note: See annex for full map.

5. On 13 August, after a 42-day stalemate, the Syrian Democratic Forces, backed by the international counter-ISIL coalition led by the United States, assumed full control over the town of Manbij and large swathes of land in the eastern countryside of Aleppo. Following the departure of ISIL, tens of thousands of internally displaced persons returned to Manbij, despite reports of significant protection concerns, owing in particular to high levels of improvised explosive device contamination. The United Nations has been unable to secure a route to provide humanitarian assistance owing to ongoing insecurity in the region. Hundreds of ISIL fighters who were forced out of Manbij moved to the town of Jarabulus in the northern countryside of Aleppo, taking approximately 2,000 civilians, used as human shields during the move. Civilians were subsequently released.

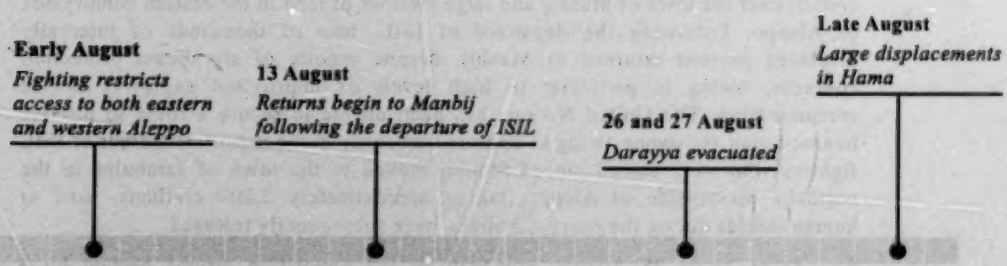
6. From 24 to 28 August, non-State armed opposition groups backed by a military operation against ISIL carried out by Turkey and elements of the international coalition captured the town of Jarabulus and large swathes of land to the west and the south of that town that were previously controlled by ISIL.

7. On 24 August, a local agreement was reached between the Government and non-State armed opposition groups to evacuate the fighters and civilians from the town of Darayya. On 26 and 27 August, 1,906 persons were evacuated from Darayya. A total of 1,411 persons, including fighters and their families, were evacuated to territory controlled by non-State armed opposition groups in Idlib governorate, while another 485 were evacuated to a government-controlled area in the town of Hirjillah (Rif Dimashq). The United Nations was not a part of the agreement, nor did it support the evacuation. United Nations humanitarian teams monitored the situation, however, in Darayya and at the reception centre in Hirjillah, to ensure that protection concerns could be recorded and addressed. Similar negotiations were reported to take place between the Government and local negotiating committees in the town of Mu'addamiyah in Rif Dimashq and in Wa'r in Homs.

8. Towards the end of August, following advances by non-State armed opposition groups in the Hama countryside, at least 11,530 families were displaced from towns in northern rural Hama to Hama city and nearby villages. The governor of Hama estimated the actual number of displaced persons as much higher, at close to 20,000 families.

9. Consultations between the Office of the Special Envoy of the Secretary-General for Syria and regional interlocutors continued during the reporting period, focusing on prospects for resumed negotiations to end the conflict and bring about a political transition in the Syrian Arab Republic. In parallel, the Office of the Special Envoy also proceeded with further discussions with the Co-Chairs of the International Syria Support Group. The Office of the Special Envoy reminded the Co-Chairs and the members of the Group that the interrelated nature of humanitarian, military and political elements continued to dictate dynamics on the ground in the Syrian Arab Republic. Bilateral discussions reportedly continued between the Co-Chairs at various levels, on issues related to combating terrorism, cessation of hostilities and delivery of humanitarian assistance to Aleppo.

Figure I
Key dates in August 2016



Protection issues

10. The protection of civilians has been consistently identified as a significant area of concern in all governorates across the Syrian Arab Republic. Indiscriminate attacks against civilians and civilian infrastructure, such as schools and markets, and against medical personnel and facilities, threats from explosive ordnance, threats against women or the most vulnerable civilians, such as children, the elderly or the disabled, and widespread human rights abuses continued throughout the reporting period.

11. Based on information received by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the killing of civilians and other abuses and violations of international human rights law and international humanitarian law remained high in August. Much of the violence occurred in Aleppo, Dayr al-Zawr, Idlib and Rif Dimashq governorates (see table 1 for a list of OHCHR-recorded attacks against civilians). OHCHR documented attacks by all parties to the conflict, including government forces, non-State armed opposition groups and designated terrorist groups. Attacks on residential areas resulted in particularly high casualty rates, including air strikes on residential buildings in Abu al-Zuhur (Idlib) on 1 August, allegedly killing at least 15 civilians, including two children, and injuring dozens more, and air strikes on residential areas in opposition-held neighbourhoods of Aleppo city, including Tariq al-Bab and Sakhur, which reportedly killed at least 19 civilians, including three children, and injured more than 10 others on 19 August. On 22 August, Syrian authorities sent a note verbale to OHCHR reporting that 43 persons had been killed and 159 injured as a result of attacks launched by non-State armed opposition groups from 13 to 20 August in Aleppo, Dar'a, Dayr al-Zawr, Hama, Homs, Idlib and Qunaytirah.

Table 1
Reported attacks against civilians in August 2016[a]

Date	*Location*	*Type of attack*	*Number of people killed, including women and children*	*Number of people injured*	*Infrastructure or site type*
Aleppo governorate					
9 August	Manbij	Mine	3	12	Residential
10 August	Zabdiyah (eastern Aleppo)	Bomb (allegedly toxic)	At least 3, including 2 children	At least 20	Residential
12 August	Huraytan	Air strike	2	5	Medical
12 August	Huraytan	Air strike	12, including 8 children	–	Residential
13 August	Aleppo city (various)	Air strike	Several	Several	Not specified
13 August	Aleppo countryside (various)	Air strike	Several	Several	Not specified

Date	*Location*	*Type of attack*	*Number of people killed, including women and children*	*Number of people injured*	*Infrastructure or site type*
19 August	Aleppo city (various)	Air strike	At least 19, including 3 children	10	Residential
19 August	Bustan al-Qasr (eastern Aleppo)	Air strike	At least 11	Several	Market and commercial
23 August	Sukkari (eastern Aleppo)	Air strike	At least 13, including 4 children	At least 10	Residential
24 August	Manbij	Mine	6 children	–	Residential
Damascus governorate					
3 August	Dahiyat al-Assad	Ground-based strike	At least 2	10	Residential
22 August	Dahiyat al-Assad	Ground-based strike	2	8	Residential
24 August	Qassa' (Damascus city)	Ground-based strike	–	4	Residential
Dar'a governorate					
6 August	Yadudah	Air strike	4, including 1 child and 2 women	–	Road
20 August	Sahhari (Dar'a city)	Ground-based strike	1 woman	–	Residential
Dayr al-Zawr governorate					
4 August	Qusur	Ground-based strike	3, including 1 child and 1 woman	4	Residential
7 August	Qusur	Ground-based strike	6, including 3 children and 1 woman	At least 3	Residential
11 August	Jurah	Ground-based strike	3 children and 1 woman	At least 10	Residential
17 August	Jurah	Ground-based strike	At least 5, including 2 children and 2 women	–	Residential
5 August	Hajin	Improvised explosive device	5, including 2 women	–	Vehicle
9 August	Hawijat Saqr, Huwayqah, Ma'mal roundabout	Air strike	At least 15, including 2 women	Several	Residential/ school (housing internally displaced persons)

Date	*Location*	*Type of attack*	*Number of people killed, including women and children*	*Number of people injured*	*Infrastructure or site type*
10 August	Hatla	Air strike	7	14	Marketplace
11 August	Hatla	Air strike	6, including 3 women	At least 25	Residential
16 August	Ummal	Air strike	At least 10	At least 72	Bakery
18 August	Salihiyah	Air strike	At least 6, including 3 children	–	Residential
Hasakah governorate					
16-31 August	Hasakah city	Crossfire/air strikes	At least 22, including 4 children	32	Residential
Idlib governorate					
1 August	Saraqib	Bomb (allegedly toxic)	–	At least 30, including 10 children and 18 women	Residential
1 August	Abu al-Zuhur	Air strike	At least 15, including 2 children	Dozens	Residential
6 August	Millis	Air strike	At least 10, including 3 women and 3 children	12	Hospital
10 August	Saraqib	Air strike	At least 9, including 4 children	More than 20	Residential
11 August	Ariha	Air strikes	At least 6	More than 10	Residential
12 August	Saraqib, Ma'arrat al-Na'san, Ma'arrat Misrin, Haranbush	Air strikes	At least 11, including 7 children	–	Residential
21 August	Ma'arrat al-Na'san	Missile	At least 9, including 3 children	–	Residential
Raqqah Governorate					
11 August	Raqqah city	Air strikes	27	At least 55	Residential
Rif Dimashq governorate					
1 August	Khan al-Shih (western Ghutah)	Air strike	5, including 3 children and 1 woman	At least 2	Residential
5 August	Mudayra	Air strike	5, including 2 children and 1 woman	2	Residential

Date	*Location*	*Type of attack*	*Number of people killed, including women and children*	*Number of people injured*	*Infrastructure or site type*
9 August	Tuman-Misraba road	Ground-based strike	3, including 1 child and 1 woman	At least 1	Road
11 August	Madaya	Sniper	1 woman	–	Not specified
16 August	Darayya	Air strike	–	–	Hospital
17 August	Irbin	Air strike	At least 6, including 2 children and 2 women	–	Residential
21 August	Duma	Air strike	At least 5, including 1 child and 2 women	2	Residential
22 August	Duma	Air strike	6, including 2 children and 3 women	–	Residential
23 August	Duma	Air strike	3 children and 1 woman	–	Residential
23 August	Darayya	Ground-based strike	2	At least 4	Residential

Source: OHCHR.

[a] In line with resolution 2258 (2015), the present description of developments on the ground relates to the compliance with resolutions 2139 (2014), 2165 (2014) and 2191 (2014) by all parties in the Syrian Arab Republic. The information is provided without prejudice to the work of the Task Force on the Cessation of Hostilities of the International Syria Support Group. The list is not exhaustive.

12. Attacks allegedly carried out by ISIL were also of notable concern during the reporting period. On 17 August, at least five civilians, including two women and two children, were reportedly killed when ISIL fired on residential areas of the Jurah neighbourhood of Dayr al-Zawr. Five civilians, including two women, were allegedly killed and three others injured when an improvised explosive device hit a minibus on 5 August in an attack claimed by ISIL. The civilians were trying to leave ISIL-controlled Hajin for Hasakah governorate.

13. The United States Department of Defense confirmed that, in August, the United States-led international coalition carried out at least 274 strikes against ISIL targets in the governorates of Aleppo, Dayr al-Zawr, Hasakah, Homs and Raqqah, 50 per cent of which were around the area of Manbij. The Ministry of Defence of the Russian Federation made several statements during the month, in which it announced that it had carried out strikes against armed opposition groups in the governorates of Aleppo, Dayr al-Zawr and Raqqah. OHCHR received reports of air strikes allegedly conducted by international actors that resulted in the deaths or injury of civilians, but was unable to identify the parties responsible. Of serious concern are air strikes carried out on 28 August on the town on Suraysat, south of Jarabulus, during which a number of houses and vehicles were reportedly hit and at least 20 civilians were killed and many others injured.

14. Primary, secondary and tertiary health-care services continued to experience severe gaps in performance and service delivery, owing to the extensive damage

caused to health facilities, the rapid turnover of health staff and the lack of qualified professionals in the different medical specialties. Paediatric and maternal health services, including routine vaccinations, remained negatively affected, in particular in the governorates of Aleppo, Dar'a, Hama and Homs, as well as in the besieged areas of Rif Dimashq.

15. In blatant disregard for the protected status of medical facilities under international humanitarian law, which was further articulated by the Security Council in its resolution 2286 (2016), such facilities continued to be damaged or destroyed as a result of fighting. The United Nations and health partners received credible reports, some of which are in the process of being verified by the United Nations and partner organizations, of 55 attacks against medical facilities in August alone, of which 15 were confirmed. Those include 10 hospitals (3 in Aleppo governorate, 2 in Homs governorate, 4 in Idlib governorate and 1 in Rif Dimashq) that were attacked and are now closed. One of the reported attacks occurred on 12 August, when an air strike hit a medical unit in the town of Huraytan, reportedly killing two medical staff and injuring five others. In addition, the main field hospital in Darayya was partially damaged by air strikes on 16 August, and then hit again on 19 August, putting it out of service.

16. In addition, a nursing education school and an ambulatory system centre in Aleppo, a primary health-care centre in Homs and a civil defence ambulance were hit. Collectively, those confirmed attacks resulted in 28 people being killed, including 5 health staff, and 47 injured.

17. On 11 August, the Special Envoy of the Secretary-General for Syria made a particular appeal for the evacuation of people with urgent medical needs from the besieged towns of Fu'ah and Madaya. A 10-year-old girl was also evacuated from Madaya on 13 August. From 19 to 21 August, 39 people were evacuated from those towns by the Syrian Arab Red Crescent, including several children and other people needing urgent medical assistance. On 12 August, conjoined twins were evacuated from eastern Ghutah to one of the private hospitals in Damascus; however, they did not survive.

18. Following the security incident in Rakban, Jordan, on 21 June, dialogue with the Jordanian authorities for the resumption of the evacuation of the wounded and sick from southern Syrian Arab Republic into Jordan continued.

Violations of human rights

19. OHCHR continued to receive reports of serious human rights violations in August. On 5 August, security forces reportedly used live ammunition in an attempt to put down unrest in Suwayda' central prison. Authorities allegedly fired through the windows at a number of cells, injuring at least 29 detainees, 2 of whom reportedly died of their injuries on 7 August. On 6 August, ISIL reportedly publicly beheaded two men in Raqqah city. The men had been accused of smuggling people out of ISIL-controlled areas. On 8 August, ISIL allegedly took over three houses inhabited by civilians in Tall Abu Hasan, Dayr al-Zawr governorate, because their owners were living outside ISIL-controlled areas. The houses were reported to have been housing relatives of the owners and the relatives were evicted without being allowed to take any belongings with them.

Humanitarian access

Box 3
Key points

(1) Five inter-agency convoys reached 189,500 people in need in two besieged and eight hard-to-reach locations.

(2) Following the evacuation of Darayya, the number of besieged locations decreased from 18 to 17 and that of besieged people decreased from 590,200 to 586,200.

(3) A total of 8,892 medical items were removed from convoys in August.

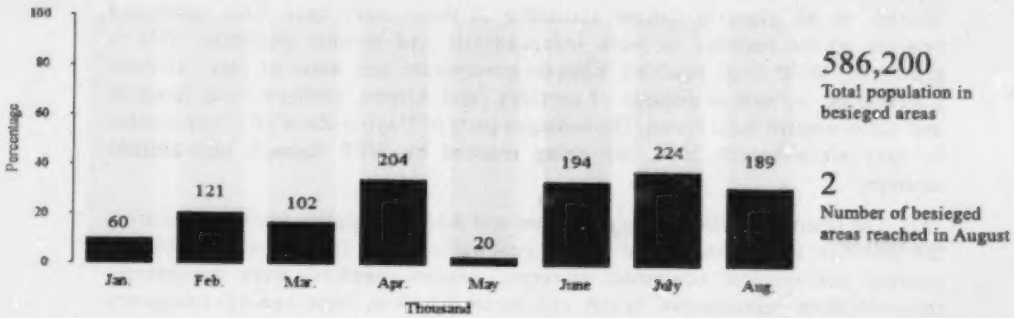
(4) The September inter-agency convoy plan seeks to reach 1.19 million people in need across 34 besieged, hard-to-reach and priority cross-line areas.

20. The delivery of humanitarian assistance to people in need of assistance in the Syrian Arab Republic remained extremely challenging in many areas of the country as a result of active conflict, shifting conflict lines and deliberate restrictions by the parties to the conflict on the movement of people and goods.

21. In August, the number of people living in besieged and hard-to-reach areas stood at 5.47 million. However, the number of besieged locations decreased from 18 to 17 and that of people living in besieged areas decreased from 590,200 to 586,200, as Darayya was completely evacuated on 26 and 27 August. Owing to ongoing fighting, an additional large number of civilians were on the verge of besiegement, including the population in eastern Aleppo, where an estimated 250,000 to 275,000 people reside.

22. Access to the millions of people living in besieged and hard-to-reach locations remained of critical concern. Throughout the month of August, five inter-agency convoys reached a total of 189,500 people in need in 10 besieged and hard-to-reach locations. This total constitutes 37 per cent of the roughly 506,000 beneficiaries approved under the August plan, and about 19 per cent of the total 991,050 people to whom access had been requested in the plan (see para. 26 for an overview of the August plan). In addition to the United Nations providing ongoing assistance to those areas (highlighted in table 2), non-governmental organizations (NGOs) continued to provide limited medical, education and protection services, as well as some support in other sectors, in hard-to-reach locations, under extremely challenging circumstances.

Figure II
United Nations inter-agency cross-line operations: number of people reached each month in besieged areas



23. Active conflict in several governorates hindered the effective delivery of humanitarian assistance, as well as people's access to essential services. Markets, schools, medical and other civilian infrastructures were damaged as a result of fighting in August, reducing the availability of basic and essential services in critical areas. For example, on 2 August, an air strike reportedly hit the Usama bin Zayd school in Aleppo, causing destruction on the upper floors of the building as well as some minor damage to the ground floor. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was not able to access Yalda again in August because of ongoing security concerns. The previous UNRWA mission to that area was on 25 May 2016.

Table 2
United Nations inter-agency cross-line humanitarian operations (from 1 January to 31 August 2016)

1,275,750 people reached		
People reached in hard-to-reach areas 817 100	People reached in besieged areas 401 650	People reached in priority cross-line areas 57 000
16.7% People reached in hard-to-reach areas	68% People reached in besieged areas	17 Besieged locations reached
Cross-line convoys 112	Airlifts 82	Airdrops 107

24. Deliberate interference and restrictions by the parties to the conflict also continued to prevent aid delivery. For example, the World Food Programme (WFP) continued to be unable to access populations in need in ISIL-controlled areas of the country, as all plans to deliver assistance to those areas have been suspended because of the inability to work independently and monitor activities. This is preventing WFP from reaching Raqqah governorate and most of Dayr al-Zawr governorate, as well as pockets of northern rural Aleppo, southern rural Hasakah and north-western rural Hama. The besieged parts of Dayr al-Zawr city, inaccessible by land since March 2014, are being reached by WFP through high-altitude airdrops.

25. The removal of life-saving medicines and medical supplies from humanitarian aid convoys continued. Serum drugs, renewable items (razors, scalpel blades, gauzes) and surgical equipment (forceps, scissors, needles) were consistently removed from reproductive health and midwifery kits, inter-agency emergency health kits, paediatric kits and diarrhoeal disease sets. The treatments and supplies removed from convoys during August are shown in table 3.

Table 3
Supplies removed from convoys in August 2016

Location	*Number of treatments*	*Type of supplies*
Wa'r	2 400	Trauma kits, medical equipment, intravenous fluids and antiseptics, consumables and other life-saving medicines from pneumonia kits A+B
Taldu	4 834	Steam steriiizer, anticoagulant and anaesthesia medication, atropine and psychotropic medicines and surgical consumables
Rastan	1 058	Pneumonia kits B, inter-agency emergency health supplementary and basic kits (such as intravenous fluids, psychotropic medicines and anaesthetics) and antiseptics

26. The United Nations inter-agency convoy plan for August requested access to 32 locations, including all besieged locations, aiming to reach 991,050 people, comprising 523,550 people in hard-to-reach areas and 467,500 people in besieged areas. In its response, due on 28 July, as per the agreement to respond within seven working days, but received on 3 August and amended twice thereafter, the Syrian authorities approved access to 505,750 of those 991,050 people in 23 of the 32 locations. The Syrian authorities also requested that 41 other locations be reached in August outside the plan. All in all, the United Nations was not granted access to more than 50 per cent of the requested beneficiaries.

27. On 21 August, the United Nations submitted to the Ministry for Foreign Affairs the September inter-agency convoy plan, which comprised 26 requests to reach 1.19 million people in need across 34 besieged, hard-to-reach and priority cross-line areas. A response from the Ministry was expected around 30 August, in accordance with the agreed review process, but was not received until 6 September.

28. The Nusaybin/Qamishli crossing in Hasakah governorate has been temporarily closed by the Turkish authorities because of security concerns since 27 December 2015. Hasakah governorate also remains largely inaccessible by road for United Nations agencies from within the Syrian Arab Republic. On 9 July, the United Nations commenced airlifts from Damascus to Qamishli airport.

Visas and registrations

29. A total of 28 new visa requests were submitted in August. Thirty requests were approved, comprising 15 submitted in August and 15 older applications, while 11 remain pending. Five new visa requests were rejected in August (2 submitted in August and 3 submitted before then). Moreover, a total of 52 visa renewal requests were submitted during the month. Forty-four applications were approved, while 35 remain pending.

30. A total of 17 international NGOs are registered with the Government of the Syrian Arab Republic to operate in the country. Four more international NGOs are in the process of completing registration. Those organizations continued to face a series of administrative hurdles and restrictions that affect their ability to operate, including in gaining permission to undertake independent needs assessments. Some 172 national NGOs are authorized to operate in the Syrian Arab Republic. Twenty-one additional national NGOs were added in August.

Overview of humanitarian response

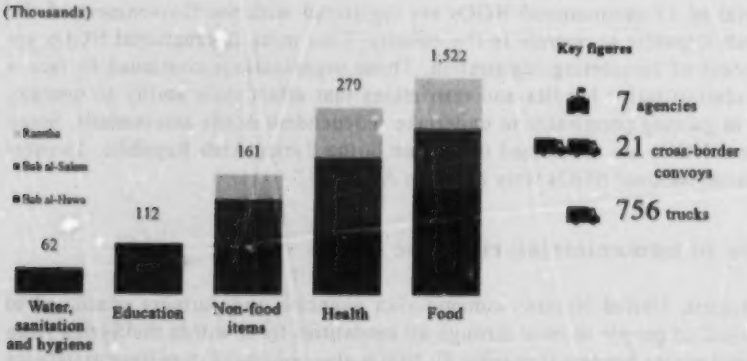
31. In August, United Nations humanitarian agencies and partners continued to reach millions of people in need through all modalities from within the Syrian Arab Republic and across borders (see table 4). NGOs also continued to deliver assistance to people in need in line with previous months. The Government continued to provide basic services to areas under its control as well as in many areas beyond its control.

Table 4
Number of people reached by United Nations organizations, August 2016

Organization	*Number of people reached*
Food and Agriculture Organization of the United Nations	–
International Organization for Migration	45 373
Office of the United Nations High Commissioner for Refugees	242 662
United Nations Children's Fund	2 000 000
United Nations Development Programme	1 200 000
United Nations Population Fund	384 507
United Nations Relief and Works Agency for Palestine Refugees in the Near East	450 000
World Food Programme	4 190 000
World Health Organization	595 150

32. During the reporting period, cross-border deliveries continued from Turkey and Jordan into the Syrian Arab Republic under the terms of resolutions 2165 (2014), 2191 (2014) and 2258 (2015) (see figure III for details). In line with the Security Council resolutions, the United Nations notified the Syrian authorities in advance of each shipment, including content, destination and number of beneficiaries. The United Nations Monitoring Mechanism for the Syrian Arab Republic continued its operations, monitoring 756 trucks used to deliver 21 consignments in August, confirming the humanitarian nature of each, and notifying the Syrian authorities after each shipment. The Mechanism continued to benefit from excellent cooperation with the Governments of Jordan and Turkey.

Figure III
Number of beneficiaries assisted by the United Nations and its partners per cluster through cross-border deliveries, August 2016



33. The inter-agency convoys to the besieged and hard-to-reach locations listed in table 5 were completed in August. Moreover, WFP completed 22 airdrops of food commodities and humanitarian assistance on behalf of other United Nations agencies over Dayr al-Zawr city. In addition, the WFP Logistics Cluster continued airlifts to Qamishli from Damascus. During the reporting period, United Nations agencies also undertook single-agency deliveries to cross-line and hard-to-reach locations or reached those locations through their regular programmes.

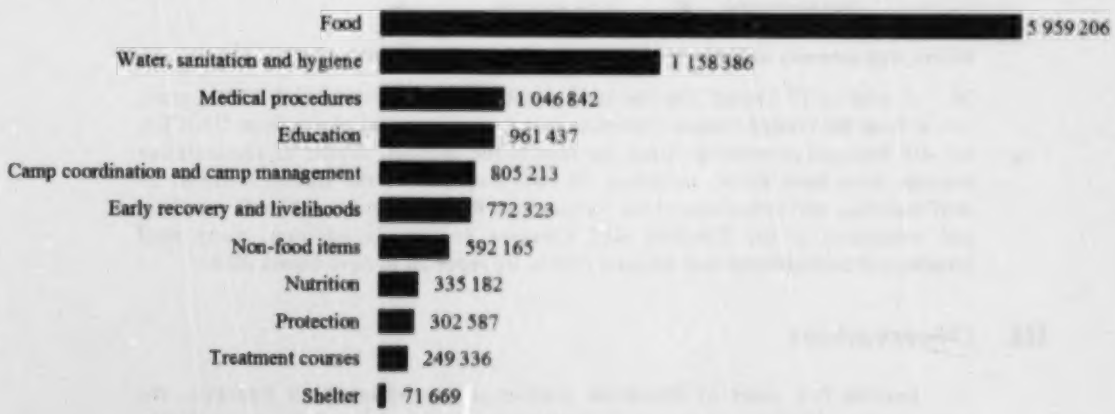
Table 5
Inter-agency convoys, August 2016

Date	*Location*	*Requested target (number of beneficiaries)*	*Targeted people reached*	*Type of assistance*
23 and 25 August	Wa'r	75 000	75 000	Multisectoral
29 August	Eastern Harasta	21 000	10 000	Multisectoral
29 August	Dar al-Kabirah, Tayr Ma'lah, Ghantu	33 500	33 500	Multisectoral

Date	*Location*	*Requested target (number of beneficiaries)*	*Targeted people reached*	*Type of assistance*
31 August	Hulah area (Kafr Laha, Taldu, Tal Dhahab, Burj Qa'i, western Tayyibah)	71 000	71 000	Multisectoral

34. The World Health Organization and UNICEF continued with the implementation of the nationwide vaccination campaign. The second round of the multi-antigen campaign was launched on 24 July 2016 for one week, targeting 713,543 children under 5 years old in hard-to-reach and besieged areas in 12 governorates. The campaign was then extended to reach additional areas, with a total of 157,568 children reached during that second round. Ministry of Health teams reached all targeted areas in four governorates, namely Dar'a, Ladhiqiyah, Qunaytirah and Suwayda'.

Figure IV
"Whole of Syria" approach: type of assistance and number of beneficiaries reached, July 2016[a]

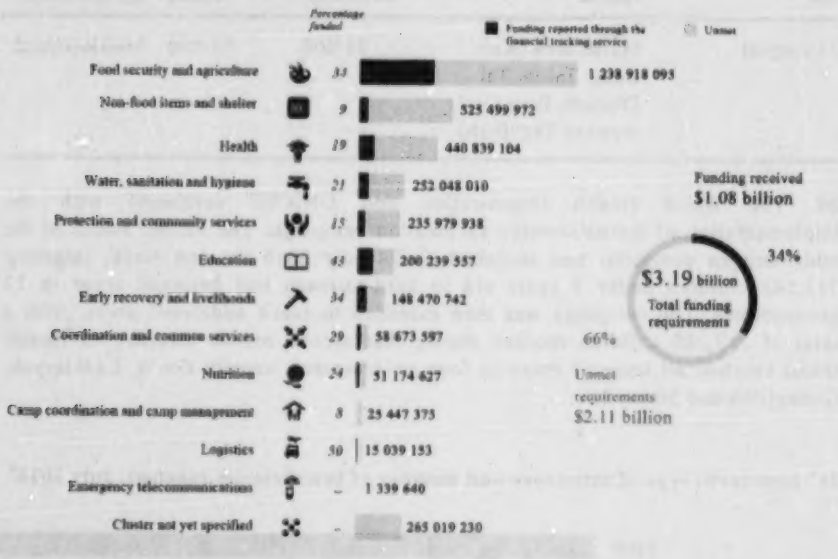


[a] Because of lag time in data collection, figure IV shows information from the preceding reporting month.

Humanitarian response plan funding

35. The status of the funding of the humanitarian response plan as at 31 August 2016 is shown in figure V.

Figure V
Humanitarian response plan funding, 31 August 2016



Safety and security of humanitarian personnel and premises

36. A total of 27 United Nations staff members, 25 of whom are UNRWA staff, one is from the United Nations Development Programme and one is from UNICEF, are still detained or missing. Since the start of the conflict, dozens of humanitarian workers have been killed, including 18 staff members of the United Nations, 53 staff members and volunteers of the Syrian Arab Red Crescent, and 8 staff members and volunteers of the Palestine Red Crescent Society. In addition, many staff members of international and national NGOs are reported to have been killed.

III. Observations

37. Despite five years of disastrous conflict in the Syrian Arab Republic, the humanitarian situation continues to deteriorate. Month by month, as hospitals, schools and markets are destroyed and doctors, teachers and shopkeepers are killed, the Syrian Arab Republic increasingly becomes a shell of its former self. At the end of August, Darayya, a town besieged for years and attacked relentlessly, was completely evacuated. Through the first half of 2016, there have been another 900,000 people internally displaced, and even for those who are able to return to their homes, basic infrastructure is often destroyed. In former ISIL-controlled areas in particular, high levels of contamination from explosive ordnance represent a significant risk. Protection needs are high for all, but in particular for the most vulnerable, such as children, the elderly and people with disabilities.

38. At the same time, United Nations humanitarian actors have not been able to keep pace in their provision of assistance with the increase in needs. Civilians most

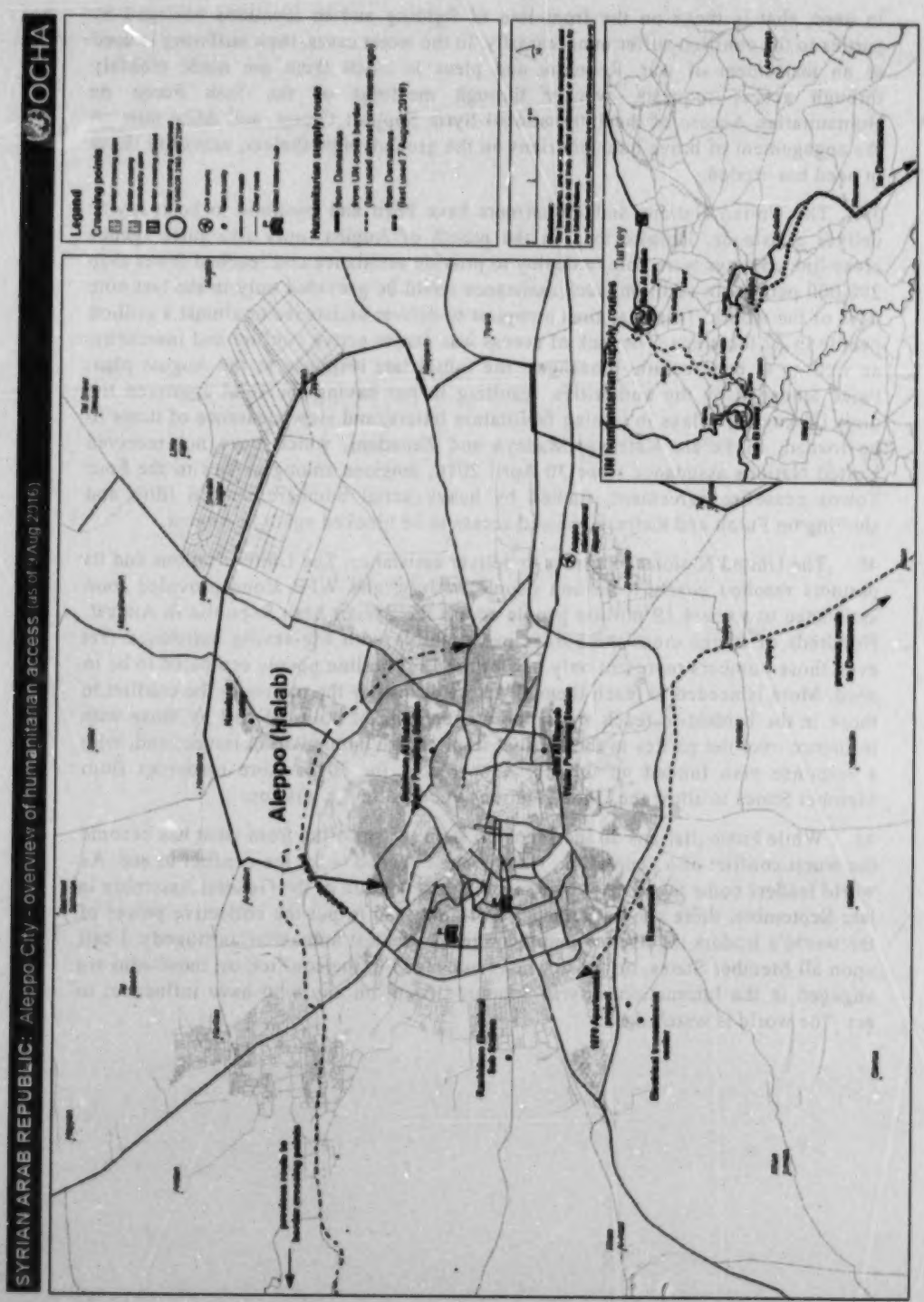
in need, that is those on the front line of fighting and in locations besieged by parties to the conflict, suffer unnecessarily. In the worst cases, their suffering is used as an instrument of war. Requests and pleas to assist them are made monthly through access requests, weekly through meetings of the Task Force on Humanitarian Access of the International Syria Support Group, and daily through the engagement of brave humanitarians on the ground. Nonetheless, access to those in need has eroded.

39. The United Nations and its partners have been and continue to be ready to deliver assistance. Despite that, in the month of August, only five inter-agency cross-line convoys were able to deploy to provide assistance and reached fewer than 200,000 people. In addition, such assistance could be provided only in the last nine days of the month. This is against a request to deliver assistance to almost a million people in 32 locations. The lack of access was due to active conflict and insecurity, as well as to bureaucratic blockages: the initial late response to the August plan, twice amended by the authorities, resulting in not having the final approved list until 14 August; delays in issuing facilitation letters; and slow clearance of items to be loaded. In Fu'ah, Kafraya, Madaya and Zabadani, which have not received United Nations assistance since 30 April 2016, tensions among parties to the Four Towns ceasefire agreement, fuelled by heavy aerial bombardment in Idlib and shelling on Fu'ah and Kafraya, caused access to be blocked again in August.

40. The United Nations continues to deliver assistance. The United Nations and its partners reached nearly 6 million people in July, and WFP alone provided food assistance to some 4.19 million people across the Syrian Arab Republic in August. Hundreds of trucks cross the border every month with life-saving assistance. Yet even those numbers represent only half of the 13.5 million people estimated to be in need. More is needed to reach them all: more access by the parties to the conflict to those in the hardest-to-reach areas; more exercising of political will by those with influence over the parties to the conflict to prioritize humanitarian issues; and, with a response plan funded up to only 33 per cent for 2016, more resources from Member States to allow the United Nations to carry out its mission.

41. While humanitarians do their most to stem the suffering from what has become the worst conflict of a generation, what is most needed is for the conflict to end. As world leaders come together for the seventy-first session of the General Assembly in late September, there should be no greater goal than to put the collective power of the world's leaders together to end the world's greatest humanitarian tragedy. I call upon all Member States, on those who are engaged in the conflict, on those who are engaged in the International Syria Support Group, on any who have influence, to act. The world is watching.

Annex


SYRIAN ARAB REPUBLIC: Aleppo City - overview of humanitarian access (as of 4 Aug 2016)
OCHA
Legend
Crossing points
Humanitarian supply route
from Damascus
from UN cross border
(last road almost cross season ago)
from Damascus
(last road 7 August 2016)
UN humanitarian supply routes
Turkey
Aleppo (Halab)

United Nations S/2016/797

Security Council

Distr.: General
22 September 2016

Original: English

Angola, Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malaysia, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

The Security Council,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level,

Noting with concern that the terrorism threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts including those motivated by intolerance or violent extremism, and expressing its determination to combat this threat,

Reaffirming its commitment to the sovereignty, including sovereignty over the airspace above a State's territory, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

Recognizing the vital importance of the global aviation system to economic development and prosperity, and of all States strengthening aviation security measures to secure a stable and peaceful global environment, and *further recognizing* that secure air services in this regard enhance transportation, connectivity, trade, political and cultural links between States, and that public confidence in the security of air transport is vital,

Noting that the global nature of aviation means that States are dependent on the effectiveness of each others' aviation security systems for the protection of their citizens and nationals and relevant aspects of their national security, bearing in mind the common goal of the international community in this regard, which means States are dependent on each other to provide a common secure aviation environment,

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Expressing concern that terrorist groups continue to view civil aviation as an attractive target, with the aim of causing substantial loss of life, economic damage and disruption to connectivity between States, and that the risk of terrorist attacks against civil aviation may affect all regions and Member States,

Expressing grave concern over terrorist attacks against civil aviation and *strongly condemning* such attacks,

Also expressing concern that civil aviation may be used as a transportation means by Foreign Terrorist Fighters, and *noting* in this regard that Annex 9 — Facilitation to the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the "Chicago Convention") contains standards and recommended practices relevant to the detection and prevention of terrorist threats involving civil aviation,

Reaffirming that terrorist attacks against civil aviation, like any act of international terrorism, constitute a threat to international peace and security, and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed, and *reaffirming* the need to combat by all means threats to international peace and security caused by terrorist acts, in accordance with the Charter of the United Nations and other international law, in particular international human rights law, international refugee law, and international humanitarian law,

Expressing particular concern that terrorist groups are actively seeking ways to defeat or circumvent aviation security, looking to identify and exploit gaps or weaknesses where they perceive them, *noting* in this regard the high priority risk areas for aviation as identified by the Council of the International Civil Aviation Organization (ICAO), in its Global Risk Context Statement, and *stressing* the need for international aviation security measures to keep pace with the evolution of this threat,

Affirming the role of the International Civil Aviation Organization (ICAO) as the United Nations organization responsible for developing international aviation security standards, monitoring their implementation by States and its role in assisting states in complying with these standards, *noting* in this regard ICAO's "no country left behind" initiative, and *noting also* the adoption at the 37th Session of the ICAO Assembly in 2010 of the Declaration on Aviation Security and the ICAO Comprehensive Aviation Security Strategy, both of which have become key instruments of leadership and engagement for the Organization in carrying out its aviation security programme, and *noting* the intention to develop a Global Aviation Security Plan as the future global framework for progressive aviation security enhancement,

Noting that the protection of civil aviation from acts of unlawful interference is addressed by the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963), by the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970), by the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montréal, 1971), by the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montréal, 1988), by the

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montréal, 1991), by the Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing, 2010), by the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing, 2010), by the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Montréal, 2014) and by bilateral agreements for the suppression of such acts,

Reaffirming its call upon all States to become party to the relevant international counter-terrorism conventions and protocols as soon as possible, whether or not they are a party to regional conventions on the matter, and to fully implement their obligations under those to which they are a party,

1. *Affirms* that all States have the responsibility to protect the security of citizens and nationals of all nations against terrorist attacks on air services operating within their territory, in a manner consistent with existing obligations under international law;

2. *Affirms* also that all States have an interest to protect the safety of their own citizens and nationals against terrorist attacks conducted against international civil aviation, wherever these may occur, in accordance with international law, including international human rights law and international humanitarian law;

3. *Notes* that Annex 17 — Security to the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (the "Chicago Convention"), provides that contracting States shall develop and implement regulations, practices, and procedures to safeguard civil aviation against acts of unlawful interference and to ensure that such measures are capable of responding rapidly to meet any increased security threat, and further *notes* that Annex 17 to the Chicago Convention establishes additional standards to safeguard international civil aviation against unlawful interference, to which contracting States shall conform in accordance with the Chicago Convention, and that Annex 17 to the Chicago Convention also provides recommended practices, and that both standards and recommended practices are supported by detailed guidance on their effective implementation;

4. *Welcomes and supports* the work of ICAO to ensure that all such measures are continuously reviewed and adapted to meet the ever-evolving global threat picture, and *calls upon* ICAO, within its mandate, to continue and enhance its efforts to establish compliance with international aviation security standards through effective implementation on the ground, and to assist Member States in this regard;

5. *Calls upon* all States to work within ICAO to ensure that its international security standards are reviewed and adapted to effectively address the threat posed by terrorist targeting of civil aviation, to strengthen and promote the effective application of ICAO standards and recommended practices in Annex 17, and to assist ICAO to continue to enhance audit, capacity development and training programmes in order to support their implementation;

6. *Further calls upon* all States, as part of their efforts to prevent and counter terrorist threats to civil aviation and acting consistent with relevant international legal instruments and framework documents, to:

(a) Ensure that effective, risk-based measures are in place at the airports within their jurisdiction, including through enhancing screening, security checks, and facility security, to detect and deter terrorist attacks against civil aviation and to review and assess such measures regularly and thoroughly to ensure that they reflect the ever-evolving threat picture and are in accordance with ICAO standards and recommended practices;

(b) Take all necessary steps to ensure that these measures are effectively implemented on the ground on a continuing and sustainable basis, including through the provision of the required resources, the use of effective quality control and oversight processes, and the promotion of an effective security culture within all organizations involved in civil aviation;

(c) Ensure that such measures take into account the potential role of those with privileged access to areas, knowledge or information that may assist terrorists in planning or conducting attacks;

(d) Urgently address any gaps or vulnerabilities that may be highlighted by ICAO or national self-risk assessment or audit processes;

(e) Strengthen security screening procedures and maximize the promotion, utilization and sharing of new technologies and innovative techniques that maximize the capability to detect explosives and other threats, as well as strengthening cooperation and collaboration and sharing experience in regards to developing security check technologies;

(f) Further engage in dialogue on aviation security and cooperate by sharing information, to the extent possible, about threats, risks, and vulnerabilities, by collaborating on specific measures to address them and by facilitating, on a bilateral basis, mutual assurance about the security of flights between their territories;

(g) Require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015);

7. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, technical assistance, technology transfers and programmes, where it is needed to enable all States to achieve the outcomes set out above, in particular with regards to paragraphs 6 (b) and 6 (e);

8. *Calls upon* all States to strengthen their international and regional cooperation to strengthen information-sharing, border control, law enforcement and criminal justice to better counter the threat posed by foreign terrorist fighters and returnees;

9. *Urges* all States to ensure that all their relevant domestic departments, agencies and other entities work closely and effectively together on matters of aviation security;

10. *Encourages* continued cooperation between ICAO and the Counter-Terrorism Executive Directorate (CTED) on identifying gaps and vulnerabilities

relevant to aviation security, *welcomes also* the cooperation between ICAO and the Counter-Terrorism Implementation Task Force to facilitate the delivery of technical assistance and capacity building in the field of aviation security, *encourages* closer cooperation between ICAC and the Counter-Terrorism Committee and CTED, and *requests* CTED to continue to work with ICAO to address aviation security in all relevant CTED activities and reports, in particular country assessments;

11. *Requests* the Counter-Terrorism Committee (CTC) to hold a Special Meeting within 12 months, in cooperation with ICAO, on the issue of terrorist threats to civil aviation, and invites the Secretary-General of ICAO and the Chair of the CTC to brief the Council on the outcomes of this meeting in 12 months time;

12. *Decides* to remain seized of the matter.

United Nations S/2016/798

Security Council

Distr.: General
23 September 2016

Original: English

Letter dated 19 September 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I have the honour to forward to you materials related to the implementation of the agreement on Syria between the Russian Federation and the United States of 9 September 2016 (see annexes).

I should be grateful if you would circulate the present letter and its annexes as a document of the Security Council.

(*Signed*) Vitaly **Churkin**

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Annex I to the letter dated 19 September 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Minutes of the video conference on the seventh day of cessation of hostilities in the Syrian Arab Republic

Location: National defence control centre, conference room

Time: 1400-1415 hours, 19 September 2016

Statement by the Chief of the Main Intelligence Unit of the General Staff of the Armed Forces of the Russian Federation

Good afternoon,

(On screen: slide No. 1 — number of reconciled settlements)

In accordance with the Russian-United States agreements, a cessation of hostilities has been in effect in Syria for seven days: since 1900 hours, 12 September. It should be noted that the ceasefire has not been maintained during that period.

Over the past 24 hours alone, armed groups have fired 53 times. Since the cessation of hostilities was first announced, it has been violated 302 times by the opposition. During this period, 63 civilians have been killed and 252 injured; the Syrian Armed Forces have suffered 153 casualties.

(On screen: slide No. 2 — video recording of shellfire over the week)

On the screen are video recordings of fighters shelling residential neighbourhoods and the positions of Government forces in Aleppo, Ladhiqiyah and Damascus over the period that the cessation of hostilities has been in effect. There is ample such documentary evidence.

For objective monitoring of the cessation of hostilities, the Russian Ministry of Defence has set up four webcams in Aleppo and an unmanned aerial vehicle remains in constant operation for real-time monitoring of the situation.

Russia and Syria have fulfilled all their commitments in accordance with the agreements reached in Geneva on 9 September. At the request of the United States, we are not disclosing their content. I will confine my remarks only to the main points.

First, firing at armed groups in territories subject to the agreement has been completely discontinued.

In this regard, I find it necessary to respond to the groundless accusations of United States Secretary of State John Kerry regarding so-called "indiscriminate bombings" by Syrian aviation. Neither Russian nor Syrian air forces have carried

out any air strikes in the areas covered by the Geneva agreements over the past week. No evidence to the contrary has been submitted to us.

Second, a checkpoint has been set up west of the Castello road for the flow of humanitarian assistance and civilian transport. The checkpoint has been transferred to representatives of the Syrian Red Crescent, with protection organized by the Bustan and Shield people's militia.

(On screen: slide No. 3 — video of forces withdrawal)

Third, heavy weaponry, equipment and government forces were twice withdrawn from that road to the distances stipulated by the agreement. However, owing to provocations and the reluctance of the opposition to withdraw in kind, implementation of this part of the agreement was disrupted.

Fourth, Russia and Syria are taking steps to ensure that United Nations humanitarian convoys reach the most needy areas of the country. Today the delivery of two humanitarian convoys is under way to various locations in the Syrian Arab Republic.

(On screen: slide No. 4 — map of Aleppo with checkpoint in eastern part)

The issue of security for humanitarian convoys travelling to the eastern part of Aleppo remains unresolved. This is because armed units under United States control have not set up a checkpoint on the eastern part of the Castello road, nor have they transferred the checkpoint to the Syrian Red Crescent Society. Troops, weapons and equipment have also not been withdrawn from the Castello road.

The impression is that this situation was artificially created by our American partners to blame Russia and Syria for disrupting the delivery of humanitarian assistance. However, the Russian Federation has repeatedly called on all countries to combine their efforts in conducting humanitarian operations in Syria and specifically in Aleppo.

At today's video conference is a representative from the Ministry of Defence of the Russian Federation who is involved in task forces on the ceasefire and humanitarian issues in Geneva, Colonel Alexander Sergeevich Zorin. He will report on the negotiations with our American partners regarding implementation of the provisions of the Russian and United States agreements of 9 September. Please deliver your report, Sir.

Report of Colonel Zorin

(On screen — Colonel Zorin)

Lieutenant General,

The Geneva operational response centre is continuing to work to monitor compliance by the opposing parties in Syria with the agreements reached between Russia and the United States on 9 September 2016.

We are forced to note an extremely low level of response by American counterparts to our legitimate concerns. In particular, since the first day of the truce,

12 September 2016, we have conveyed 16 requests to the Americans for information:

- On areas controlled by terrorist groups;
- On plans for the opposition groups to withdraw from Castello routes;
- On organizing a 24-hour hotline between the centre for reconciliation in Humaymim and American partners;
- On investigating violations of the cessation of hostilities by the opposition.

I wish to stress that our interest in these issues is purely practical in nature. It relates to the need to separate the Nusrah Front and the moderate opposition, which is seen as the main condition for securing the truce. I would note that the joint statement of Russia and the United States on the cessation of hostilities in Syria, dated 22 February 2016, states that our countries will work together, as appropriate, to delineate the territory held by Islamic State in Iraq and the Levant (ISIL), the Nusrah Front and other terrorist organizations designated by the United Nations Security Council. Unfortunately, our American colleagues have still not taken any tangible steps in that direction.

During meetings at the Geneva centre yesterday and today, the Americans have tried to convince us that it is an extremely difficult task to separate terrorists and the opposition, and that they are working hard to address this. However, this work has not yielded any practical results to date.

Throughout the week, contacts have also been maintained to discuss the situation along the Castello road. According to the information that United Nations representatives reiterated to us today, Castello continues to be regarded as the main transport route for humanitarian convoys to reach eastern Aleppo.

We informed the head of the United States delegation that Russia and Syria had fulfilled the conditions laid down for the demilitarization of the Castello road. However, for some reason this fact only raised the ire of our partners. The timelines for checkpoint deployment by the opposition were not communicated to us. And we have still not received the data requested yesterday for contacts with field commanders to harmonize the withdrawal of parties from the road.

However, Russia provides timely, official and comprehensive replies to address all requests and problems raised by the United States delegation.

Chief of the Main Intelligence Unit of the General Staff of the Armed Forces of the Russian Federation

Thank you. Let's turn to reports on the situation on the ground over the past 24 hours. Lieutenant General Savchenko, please deliver your report.

Report of Lieutenant General Savchenko, Head of the Centre for Reconciliation of Opposing Sides

(On screen: slide No. 5 — map of Syria with the number of ceasefire violations)

Lieutenant General,

Since the cessation of hostilities first took effect in Syria, the number of militia attacks on government forces and citizens has been steadily on the increase.

Over the past 24 hours, there have been 53 truce violations by militia units: namely, 26 attacks in Aleppo governorate; 5 in Ladhiqiyah; 8 in Damascus governorate; 5 in Hama; 7 in Homs; and 2 in Dar'a.

(On screen: slide No. 6 — map of Aleppo city with ceasefire violations over the last 24 hours)

Over the past 24 hours, militia fighters in the city of Aleppo alone have fired 24 shells at the neighbourhoods of Ramusah and Zahra' and at areas near the cement factory, the Castello trade centre and the Castello road.

The firing is not only at government troop positions, but also upon residential areas where civilians live. Over the last 24 hours shelling from areas occupied by militia fighters has killed 10 civilians, including two children, and 30 people have been injured.

(On screen: slide No. 7 — map of the situation in Syria, video of formation of illegal armed groups)

Opposition troops in Aleppo and Hama governorates, taking advantage of the ceasefire by Syrian forces, are regrouping, replenishing their ammunition stockpiles and weapons and preparing to take the offensive to seize more territory.

It has been established with certainty that fighters have gathered to take offensive action in the north-east and north-west districts of the city of Hama, and also in south-west and north Aleppo. This has been corroborated by the data received from unmanned aerial vehicles.

However, we are not seeing any attempts by the United States to influence the opposition under their control and to force them to respect the conditions of the Russian-American agreements.

The Russian Centre for Reconciliation of Opposing Sides has sent American colleagues 13 letters describing violations of the cessation of hostilities by armed groups. There has been no reply to any of them.

Moreover, in the past four days, there has been no response from the direct telephone line of the United States military-political group in Geneva.

(On screen: slide no. 8 — video of civilians withdrawing from eastern Aleppo)

Yesterday, the Russian Centre for Reconciliation and the Syrian authorities organized the withdrawal of 200 people from the eastern part of Aleppo city. Another 70 people left the city at night. Another group, also comprising 70 people, was prevented from leaving the city by terrorists. There were fatalities.

(On screen: slide no. 9 — map of Syria with humanitarian convoys)

The issue of the passage of United Nations humanitarian convoys has been addressed in conjunction with the Syrian authorities. Today, United Nations humanitarian supplies are being delivered to Talbisheh and Wa'r in Homs governorate and Urum al-Kubra in Aleppo governorate. The necessary permits have been prepared by the Government of the Syrian Arab Republic and handed over to United Nations representatives.

Preparations are under way to dispatch humanitarian convoys to the settlements of Muaddamiyah, Duma, Zamalka, Madaya and Zabadani in Damascus governorate, and to Fu'ah and Kafr Haya in Idlib governorate.

End of report.

Chief of the Main Intelligence Unit of the General Staff of the Armed Forces of the Russian Federation

Thank you.

(On screen: slide no. 10 — map of Syria)

Summing up, we must note the following:

The United States and the so-called "healthy" opposition groups under its control have not fulfilled any of the commitments assumed under the Geneva agreements.

Above all, there has been no separation of the moderate opposition and the Nusrah Front. The information needed for the separation of the territories under the control of ISIL, the Nusrah Front and the so-called "healthy" opposition, transmitted to us by our American partners, does not allow the fight to continue against international terrorist organizations.

Moreover, we are not witnessing a disengagement from, but rather a merger between the moderate opposition forces and the Nusrah Front, and their preparations for joint offensive actions.

The United States is still unable to give us precise data on the deployment locations of the opposition forces under its control. The materials transferred to Russia on 13 September are not consistent with the bilateral arrangements, as they contained only a general list of the groups that have agreed to the cessation of hostilities. They do not specify the coordinates of their areas of operation, their strength, or provide the contact details of the groups' leaders.

As a result, shelling of the positions of Syrian government forces and residential neighbourhoods has continued and soldiers and civilians continue to die.

The reason for this situation is that the United States does not have effective leverage on the moderate opposition and does not know the realities on ground. This is demonstrated by the American missile strike the day before yesterday on Syrian troop positions in the city of Dayr al-Zawr, which was immediately followed by an ISIL offensive.

Given that fighters are not fulfilling the terms of the cessation of hostilities, we consider unilateral compliance with it by the Syrian government forces to be pointless.

Government forces will resume actions to eradicate the Nusrah Front and affiliated radical opposition groups with the support of the Russian Air Force.

Thank you.

Annex II to the letter dated 19 September 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Briefing note on humanitarian assistance to the people of Syria from 12 to 19 September 2016

Since the start of the ceasefire in Syria, United Nations humanitarian assistance has been provided to people in four locations:

To the city of Dayr al-Zawr four times, by IL-76 aircraft of the Russian airline Abakan Air. Parachutes delivered food and basic necessities totalling 87.3 tons;

To Talbisheh and Wa'r (Homs governorate), by 56 vehicles carrying food; and to Urum Al-Kubra, 20 km south-west of Aleppo, by 31 vehicles carrying food (19 September 2016);

The preparations and documents are currently being finalized for humanitarian convoys to another seven locations: Duma and Zamalka (in Arbin); Muhammadiyah al-Shih, Madaya and Zabadani (in Damascus governorate); and Fu'ah and Kafr Haya (in Idlib governorate).

Regarding the planned convoys to eastern Aleppo, the situation remains unchanged due to the lack of security conditions. The start of transportation of the cargo was repeatedly postponed on 20-21 September this year.

The Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic carried out humanitarian actions in the following locations:

In Janajiq (Ladhiqiyah governorate), total weight of humanitarian cargo: 2.24 tons;

In Manzul (Homs governorate), total weight of humanitarian cargo: 2.24 tons;

In Zama (Ladhiqiyah governorate), total weight of humanitarian cargo: 2.24 tons;

In Kafat (Hama governorate), total weight of humanitarian cargo: 2.5 tons.

In addition, humanitarian assistance provided by the Government of the Republic of Belarus was delivered by Russian Ministry of Defence vehicles to the "North" task force warehouse in Aleppo governorate for subsequent distribution to the population of Aleppo city.

On 19 September 2016 a joint humanitarian operation is planned at the University Hospital, Razi Hospital and the Hospital of Cardiovascular Surgery, and humanitarian assistance will be provided to Orphanage No. 1 near Jira (humanitarian assistance for children): totalling 23 tons of cargo.

Most of the cargo is medical equipment and supplies, essentials and foodstuffs. The Russian military are involved in this operation.

Annex III to the letter dated 19 September 2016 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Briefing note on taking people out of militia-controlled areas of Aleppo city

In eastern Aleppo there is growing discontent among civilians about the critical humanitarian situation in the city and atrocities by fighters.

On 17 September 2016 a protest attended by up to 500 persons was held near Karm al-Minsar. The protest was severely repressed by militia fighters. Twenty-six people were killed.

At 1400 hours on 18 September 2016, around 200 civilians, including 2 fighters and 26 children, were taken out of the eastern part of Aleppo with the assistance of experts from the Russian Centre for Reconciliation of Opposing Sides. They were not taken out via the previously designated passage but through the Salah al-Din district. The passage prepared in advance had been closed by Jabhat Fateh al-Sham and mined.

At 1520 hours on 18 September 2016, an attempt was made near Kastol Harami to take out a group of 70 civilians. The people were fired upon by fighters and dispersed. The sharia court in Aleppo announced that all who tried to enter territory controlled by government troops would be shot, irrespective of gender and age.

Leaders of Jabhat Fateh al-Sham are disseminating information that all men who enter areas controlled by government forces will be conscripted into military service and will die.

Despite this, in eastern Aleppo social media are disseminating information on the possibility of departure from the city, accommodation in temporary assembly areas and the provision of food, water and medicine.

At 2200 hours on 18 September 2016, approximately another 70 civilians were taken out of militia-controlled areas of Aleppo near Burayj al-Rih.

All civilians were transported by road to temporary accommodation areas prepared in advance in Jibrin (4 kilometres east of Aleppo).

Since 28 July 2016, a total of 878 people, including 92 children and 96 fighters, have been taken out of the eastern part of Aleppo.

United Nations S/2016/799

Security Council

Distr.: General
20 September 2016

Original: English

Letter dated 19 September 2016 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 2303 (2016), I have the honour to transmit a report on proposals to enable the United Nations to facilitate the deployment of the African Union observers and on modalities for cooperation between the United Nations police component and the African Union observers. The report was prepared by my Special Adviser, in consultation with the African Union and the Office of the United Nations High Commissioner for Human Rights, as well as with other relevant United Nations departments and offices (see annex).

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Report of the Secretary-General on proposals to enable the United Nations to facilitate the deployment of the African Union observers in Burundi and on modalities for cooperation between the United Nations police component and the African Union observers

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 2303 (2016), in which the Council requested me to report to the Council within 30 days, in close coordination with the African Union, on proposals to enable the United Nations to facilitate the deployment of the African Union observers and on modalities for cooperation between the United Nations police component, as referred to in paragraph 13 of the resolution, and the African Union observers, taking into account their comparative advantages and within their respective mandates, in compliance with the United Nations standards and practices and consistent with the human rights due diligence policy on United Nations support to non-United Nations security forces. In preparing the report, I requested my Special Adviser to consult with the African Union and the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as with other relevant United Nations departments and offices.

II. United Nations and African Union engagement in Burundi

2. The United Nations political engagement in Burundi, as mandated by the Security Council in its resolution 2279 (2016), is to work with the Government of Burundi and other concerned stakeholders to support the inter-Burundian dialogue, as referred to in paragraph 5 of that resolution, including in the areas of security and rule of law. The options for a United Nations police component that were submitted in my letter to the Security Council on 15 April (S/2016/352) were developed on the understanding that it would contribute to the creation of an environment conducive to political dialogue by averting a further deterioration of the security situation and decreasing the occurrence of human rights violations. Political engagement through genuine and inclusive inter-Burundian dialogue has been recognized by the Council as the only means to a peaceful resolution of the current crisis.

3. In paragraph 13 of its resolution 2303 (2016), the Security Council requested me to establish a United Nations police officers component in Burundi for an initial period of one year to monitor the security situation and to support OHCHR in monitoring human rights violations and abuses, under the authority of the Office of my Special Adviser, in coordination with the African Union human rights observers and military experts in Burundi, in accordance with their respective mandates. The Council authorized a ceiling of 228 United Nations individual police officers for the component, headed by a United Nations senior police adviser, under the authority of my Special Adviser, to be deployed in Bujumbura and throughout Burundi. In a press communiqué issued on 2 August 2016, the Government of Burundi objected to the adoption of resolution 2303 (2016), and specifically rejected the deployment of up to 228 police officers (S/2016/679, annex). This position was subsequently

reiterated in a letter dated 18 August 2016 addressed to me by the Minister of External Relations and International Cooperation.

4. In paragraph 10 of its communiqué of 13 June 2015 (PSC/PR/COMM.2 (DXV)), the African Union Peace and Security Council decided on the immediate deployment of African Union human rights observers and other civilian personnel, as previously agreed in its communiqué of 14 May 2015 (PSC/PR/COMM (DVII)), to monitor the human rights situation on the ground, report violations of human rights and international humanitarian law and undertake local conflict prevention and resolution activities. It also decided on the deployment of African Union military experts to verify the process of disarming militias and other armed groups and to submit regular reports on the implementation of the disarmament process.

5. The African Union Peace and Security Council further decided, in its communiqué of 17 October 2015 (PSC/PR/COMM (DLI)), to increase the number of human rights observers and military experts deployed to a total of 100 personnel, including a police component, and requested the Chairperson of the African Union Commission on the situation in Burundi to submit to the Council monthly reports on the human rights situation and acts of violence in Burundi, on the basis of the reports of the human rights observers and the military experts. Following the visit of the African Union high-level delegation to Burundi on 25 and 26 February 2016, the Peace and Security Council, in its communiqué of 9 March 2016 (PSC/PR/COMM (DLXXXI)), welcomed the consent of the Burundian authorities to increase to 100 each the number of human rights observers and military experts. The Security Council, in its resolution 2303 (2016), welcomed the consent of the Burundian authorities to allow for the deployment of 100 human rights observers and 100 military experts, while expressing concern over the significant delays in their deployment.

6. As of September 2016, the African Union had deployed 47 human rights observers and 23 military experts to Burundi, all of whom are operating in Bujumbura, with temporary deployments to other provinces. Due to financial and logistical constraints, along with security concerns, the African Union has not been able to fully operate throughout the country or to deploy the available additional personnel. Furthermore, little progress has been made towards the signature of a memorandum of understanding between the African Union and the Government of Burundi. Nevertheless, the African Union confirmed that the Government has not restricted the observers' access to sites in the country.

7. In a note verbale to the United Nations dated 11 April 2016, the African Union Commission requested that the United Nations give consideration to the provision of on-the-ground support to the African Union human rights observers and military experts in the areas of mobility, co-location and communication-related and other equipment. In a further note verbale dated 23 August 2016, the Commission proposed four areas in which support to the African Union observers could be considered, namely: (a) financial support including salaries and logistics; (b) capacity-building; (c) technical support in the area of disarmament; and (d) support for mobility and communications (the note verbale of 23 August 2016 is attached as an enclosure to the present report). The African Union Commission reiterated these proposals in a videoconference held with the Secretariat on 6 September 2016, at which it emphasized that the payment of salaries and

allowances as a priority for the African Union in order to enable its observers to operate on the ground. It was agreed that discussions on further details would continue. Consultations between the Office of my Special Adviser, the African Union Office for the Great Lakes and the Heads of the African Union human rights observers and military experts in Bujumbura will also continue.

III. Current cooperation between the United Nations and the African Union in Burundi

8. The United Nations is already cooperating closely with the African Union presence in Burundi through a number of initiatives and has supported the deployment of the African Union observers in the following ways.

9. In the area of financial support, the United Nations is currently providing financial support to the deployment of the African Union human rights observers through the United Nations Peacebuilding Fund. The Fund's project, "African Union Human Rights Observers support in Burundi", provided $2.25 million to fund the deployment of 32 human rights observers from April to September 2016. This support is in addition to the funding provided by the European Union for the deployment of the African Union military experts and human rights observers. If there are specific gaps in funding that are identified by the African Union, the United Nations could provide further assistance to the Union by trying to mobilize additional resources from donors.

10. In the area of technical support, OHCHR is already providing support to the African Union human rights observers in the areas of training and methodology. Occasional support is also provided to African Union human rights observers in carrying out their functions. This support is being provided from within OHCHR's limited capabilities. The OHCHR office is presently not resourced to provide wide-ranging technical support and expertise to any African Union human rights observer or military expert deployment beyond the current level.

11. In the area of diplomatic and political support, my Special Adviser has been coordinating and working closely with the African Union Special Representative for the Great Lakes Region and Head of the African Union Liaison Office in Bujumbura. He has also used his good offices to urge the Government of Burundi to conclude the signing of the memorandum of understanding with the African Union on the status of its human rights observers and military experts. Moreover, the Office of my Special Adviser and the African Union Liaison Office have established technical level mechanisms for regular consultation and coordination. In this context, the African Union and the United Nations are jointly supporting the East African Community-facilitated dialogue process in the areas of technical and substantive assistance. My Special Adviser's Office has been awarded $1 million in financial support from the United Nations Peacebuilding Fund to fund this process. Going forward, this partnership between the African Union and the United Nations may be further reinforced.

12. In addition, the United Nations has provided 16 vehicles, communication radios, office equipment and other assets to the African Union observers in the

context of the liquidation process of the United Nations Electoral Observer Mission in Burundi (MENUB) in December 2015.

IV. Proposals to facilitate the deployment of African Union observers

13. The following proposals respond to the areas identified by the African Union in which it considered that the United Nations could facilitate the deployment of its observers. While the provision of support to the African Union for this purpose is independent of the deployment of a United Nations police component, it is important to recognize that the extent and modes of support that the Organization could give for this purpose could change with the deployment of the United Nations police.

14. In the area of operational support, and within the existing mandates from the Security Council on cooperation with the African Union, I will make the necessary arrangements to offer initial support to the African Union in the following key areas: Headquarters-based (in New York and Addis Ababa) support to the planning activities of the African Union and its efforts to generate additional personnel for its observer presence; engagement with United Nations global systems contractors to extend to the African Union the same contractual pricing, terms and conditions that are available to the United Nations for orders placed directly with them by the African Union for the support of its observers; and access to existing United Nations radio communications networks in Burundi.

15. Consistent with resolution 2303 (2016), support would be predicated on compliance with United Nations standards and practices, including transparency and accountability, and with the human rights due diligence policy on United Nations support to non-United Nations security forces, and would be subject to the availability of sufficient resources.

16. While the steps described above will be helpful, they will not provide predictable and sustainable support to the African Union on the ground. Given the current mandate of my Special Adviser, his Office is not in a position to provide material support on a predictable and sustainable basis to the African Union observers. The Security Council may therefore wish to consider authorizing innovative arrangements to effectively support the deployment of African Union observers.

17. Building on the experiences in other contexts, including in Somalia, the Security Council could consider providing the Secretary-General with a clear mandate to provide a targeted logistical support package to the African Union to facilitate the deployment of its observers. Such a package would have, as a key defining principle, parity of support between United Nations and African Union personnel covering all items provided in the support package. It would be provided in strict compliance with the human rights due diligence policy on United Nations support to non-United Nations security force, subject to a memorandum of understanding between the United Nations and African Union and in line with United Nations standards and practices. Key elements could consist of office premises, associated facilities management services, transportation, fuel, communications and information technology equipment, medical and medical

evacuation services and personal protection equipment. Since the package would be focused on the provision of operational support, it would not include direct payments of stipends to African Union personnel.

18. Should the Security Council decide on such a mandate, the capacities of the Office of my Special Adviser would need to be strengthened accordingly in order to enable the Office to effectively deliver on its mandate.

V. Modalities for cooperation between the United Nations police component and the African Union observers

19. There are two potential approaches to cooperation and coordination between the African Union, OHCHR and the United Nations police component under the authority of the Office of my Special Adviser. The first approach would be to set up a joint operations cell, based on the development of a joint strategy, planning, operations, analysis and reporting. This approach could be difficult to implement, however, given the different mandates and reporting requirements of the United Nations police component, OHCHR, the African Union military experts and human rights observers. Other factors, such as the differences in the duration of respective mandates and in technical approaches to monitoring, investigating and reporting human rights violations, would make a fully integrated approach difficult without the harmonization of policies, capacities and skills, which would take time to develop. It would be necessary to discuss this approach further in the context of the broader partnership framework between the African Union and the United Nations.

20. The second approach could take a hybrid form of cooperation and coordination, with both structured and ad hoc arrangements. Through this approach, a joint steering committee could be created to facilitate the implementation by each element of its respective mandate by coordinating strategies and operations. Information could be systematically shared on planning, findings and analysis through regular meetings and/or desk-to-desk exchanges. Ad hoc activities, such as joint assessment missions to specific regions, could also be undertaken.

21. Monitoring the security situation is a task shared by both the African Union and the United Nations. Other options through which both organizations could reinforce and coordinate this monitoring responsibility include the possible establishment of a common early warning system to identify and monitor crisis triggers, trends and scenarios. Such a mechanism would assist in preparing a response to the request of the Security Council, in its resolution 2303 (2016), that I provide written reports immediately to the Council, as necessary, on grave security incidents, violations of international humanitarian law and violations or abuses of human rights, as applicable, of which the United Nations police component in Burundi, together with OHCHR, has knowledge.

VI. Observations

22. The deployment of the African Union military experts and human rights observers, as well as that of the United Nations police component, depend on the consent of the Government of Burundi and its collaboration with the African Union and the United Nations. I urge the Security Council to continue to engage with the Government to secure its full cooperation for the deployment and activities of the African Union and the United Nations in Burundi and to allow full and unhindered access by United Nations and African Union personnel throughout the country in fulfilment of its mandated responsibilities

23. Alongside efforts to secure Government cooperation in order to deploy the United Nations presence, every effort should be made to support the deployment of the African Union observers. An enhanced and strengthened presence of the observers will not only contribute to promoting human rights but also enhance the situational awareness and early warning capacity of national, regional and international stakeholders, enabling them to address emerging security and human rights concerns. This is in line with the overall objective of creating an environment conducive to political dialogue by averting a further deterioration of the security situation and decreasing the occurrence of human rights violations. The United Nations will also seek to enhance other modes of cooperation at the political and operational level, including continued cooperation between the African Union and the United Nations in support of the East African Community-facilitated, African Union-endorsed inter-Burundian dialogue process.

24. As the Security Council considers these proposals, I will proceed with strengthening the Office of my Special Adviser, in consultation with the Government of Burundi, as requested by the Council in paragraph 8 of resolution 2303 (2016).

Enclosure

Note verbale dated 23 August 2016 from the Commission of the African Union addressed to the Secretariat of the United Nations

The Commission of the African Union presents its compliments to the Secretariat of the United Nations and has the honour to refer to the prevailing situation in Burundi.

The Commission appreciates the continued support of the United Nations as manifested in the various Security Council resolutions on Burundi, including resolutions 2248 (2015), 2279 (2016) and 2303 (2016). The Commission welcomes, in particular, resolution 2303 (2016), in which the Council specifically requested the Secretary-General to report to the Security Council, in close coordination with the African Union, on proposals to enable the United Nations to support the deployment of the African Union observers. In the same vein, the resolution also called for consultations between the United Nations and the African Union on modalities for cooperation between the United Nations police component, and the Union's observers, taking into account their comparative advantages and within their respective mandates.

Against this background, the Commission wishes to submit the following proposals as a basis for consultations on the envisaged support to the deployment of the African Union observers:

(a) Financial support for the deployment of the authorized strength of the African Union human rights observers and military experts, including salaries and logistics;

(b) Capacity-building for the human rights observers and Military Experts;

(c) Technical support for African Union military experts under their mandate to disarm militias and armed groups;

(d) Support for internal mobility and secured communications.

The African Union Commission proposes to organize a videoconference on 29 or 30 August 2016 with colleagues from the United Nations Secretariat to discuss the details of the support outlined above.

United Nations S/2016/800

Security Council

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Andorra, Australia, Belgium, Bulgaria, Cabo Verde, Canada, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Malta, Federated States of Micronesia, Monaco, Mongolia, Morocco, Netherlands, Norway, Palau, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolution 1887 (2009), and reaffirming its firm commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in all its aspects,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Recalling that the Comprehensive Nuclear-Test-Ban Treaty (Treaty), adopted by the General Assembly by its resolution 50/245 of 10 September 1996, was opened for signature on 24 September 1996, and that States Signatories, by their resolution on 19 November 1996, including paragraph 7 thereof, established the Preparatory Commission (PrepCom) for the Comprehensive Nuclear-Test-Ban Treaty Organization,

Recognizing that a universal and internationally and effectively verifiable test ban treaty that has entered into force is the most effective way to ban nuclear-weapon test explosions and any other nuclear explosions, and that an end to all such nuclear-weapon test explosions and any other nuclear explosions will constrain the

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development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons,

Recognizing that early entry into force of the Treaty will constitute an effective nuclear disarmament and non-proliferation measure that would contribute to the achievement of a world without nuclear weapons,

Welcoming progress made towards universalization of the Treaty, *noting* that 183 States have signed the Treaty and 166 States have deposited their instruments of ratification, and *further noting* that of the 44 States listed in Annex 2 to the Treaty, whose ratification is needed for its entry into force, 41 have signed and 36 have both signed and ratified the Treaty, including several nuclear weapons States,

Welcoming the efforts of Member States of the PrepCom and its Provisional Technical Secretariat to build all elements of the Treaty's verification regime, unprecedented in its global reach, *recognizing* the maturity of and progress achieved in the establishment of the International Monitoring System (IMS), as well as the satisfactory functioning of the International Data Centre (IDC) that has demonstrated its ability to provide independent and reliable means to ensure compliance with the Treaty once it enters into force, and *emphasizing* the continuing progress in developing, exercising, and demonstrating the advanced technologies and logistical capabilities necessary to execute on-site inspections,

Stressing the vital importance and urgency of achieving the early entry into force of the Treaty,

1. *Urges* all States that have either not signed or not ratified the Treaty, particularly the eight remaining Annex 2 States, to do so without further delay;

2. *Encourages* all State Signatories, including Annex 2 States, to promote the universality and early entry into force of the Treaty;

3. *Recalls* the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and *affirms* that such security assurances strengthen the nuclear non-proliferation regime;

4. *Calls upon* all States to refrain from conducting any nuclear-weapon test explosion or any other nuclear explosion and to maintain their moratoria in this regard, *commends* those States' national moratoria, some of which are established by national legislation pending entry into force of the Treaty, *emphasizes* that such moratoria are an example of responsible international behaviour that contributes to international peace and stability and should continue, while stressing that such moratoria do not have the same permanent and legally binding effect as entry into force of the Treaty, and *notes* the Joint Statement on the Comprehensive Nuclear Test-Ban Treaty by China, France, the Russian Federation, the United Kingdom, and the United States of America of September 15, 2016, in which those States noted that, inter alia, "a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT";

5. *Underlines* the need to maintain momentum towards completion of all elements of the Treaty verification regime, and in this regard, *calls upon* all States to provide the support required to enable the PrepCom to complete all its tasks in

the most efficient and cost effective way, and *encourages* all States hosting International Monitoring System facilities to transmit data to the IDC on a testing and provisional basis, pending entry into force of the Treaty;

6. *Welcomes* the voluntary information in the national statements in the PrepCom by States listed in Annex 1 to the Protocol to the Treaty as responsible for one or more facilities of the IMS on the status of completing the construction of those facilities as well as regarding the status of transmission of data from their facilities to the IDC, *encourages* States hosting IMS facilities to complete construction of the IMS facilities in a timely manner as provided for by the Treaty and text on the establishment of the PrepCom, and *invites* the Provisional Technical Secretariat to provide a report to all State Signatories within 180 days of the adoption of this resolution on the status of States Signatories assessed contributions to the PrepCom and any additional support provided by State Signatories for the completion of the Treaty's verification regime and for the maintenance and operational needs for the IDC and IMS;

7. *Recognizes* that even absent entry into force of the Treaty the monitoring and analytical elements of the verification regime, operating on a testing and provisional basis, are at the disposal of the international community in conformity with the Treaty and under the guidance of the Preparatory Commission, and that such elements contribute to regional stability as a significant confidence-building measure, and strengthen the nuclear non-proliferation and disarmament regime;

8. *Affirms* that entry into force of the Treaty will contribute to the enhancement of international peace and security through its effective prevention of the proliferation of nuclear weapons in all its aspects and through its contribution to nuclear disarmament and *recognizes* that the Provisional Technical Secretariat has demonstrated its utility in bringing tangible scientific and civil benefits to States, for example through early tsunami warnings and seismological monitoring, and in this regard *encourages* the PrepCom to consider ways to ensure that these benefits can be broadly shared by the international community in conformity with the Treaty, through capacity building and the sharing of relevant expertise on the verification regime;

9. *Decides* to remain seized of the matter.

United Nations A/ES-10/733–S/2016/801

General Assembly
Security Council

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20 September 2016

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-first year

Identical letters dated 20 September 2016 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I am compelled to draw your attention to the very fragile, unstable situation in the Occupied Palestinian Territory, including East Jerusalem — the Territory that constitutes the State of Palestine — due to the continued illegal policies and practices being pursued by Israel, the occupying Power, in grave breach of international law, including humanitarian and human rights law, and in blatant disregard for the lives of Palestinian civilians held hostage under its occupation.

The suffering and hardships of the Palestinian people are growing exponentially under the impact of Israel's illegal and punitive measures and the diminished prospects for peace are dwindling further. The consequences of inaction are far-reaching, especially in light of the volatile situation on the ground and throughout the region, and require urgent attention and action by the international community to redress this ongoing injustice and to salvage any prospects for peace, if even possible. We call for such action at a time when world leaders congregate at the United Nations during the seventy-first session of the General Assembly to tackle a host of crises, particularly regarding the immense refugee and migrant crisis and the ongoing threats to international peace and security. In this regard, we firmly believe that Israel's nearly 50-year foreign military occupation of Palestine poses one of the most significant and longest-standing threats to international peace and security and as such should be given urgent attention.

We also must inform you that lethal and indiscriminate force continues to be routinely meted out by the Israeli occupying forces against the Palestinian civilian population, causing wilful and wanton death and injury in grave violation of international humanitarian law. Since our last letter to you on 8 September 2016 (A/ES-10/732-S/2016/770), more than six Palestinians, as well as one Jordanian citizen, have been killed by Israeli occupying forces. Moreover, one Palestinian child was

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killed by an illegal Israeli settler in an apparent deliberate hit-and-run car attack. In this regard, we must add to the record of Israeli crimes following the deaths and injuries of Palestinian civilians:

- On Saturday, 10 September 2016, Lama Marwan Mousa, age 6, was run over and killed by an illegal Israeli settler in the village of Al-Khader south of Bethlehem, on the road to the illegal Israeli settlement of "Efrat" in the southern occupied West Bank. Lama was standing on the sidewalk in front of her house when a fast-moving vehicle approached and hit her. The impact reportedly broke her neck. She was pronounced dead at the scene.
- On Monday, 12 September 2016, two Palestinian teenagers, Naim Ahmad Ziad Abu Daoud, age 17, and Iyad Naim Abu Daoud, age 19, were critically injured after an Israeli military bus ran them over in Al-Fahs area south of Al-Khalil in southern occupied West Bank. According to eyewitnesses, the two teenagers were visiting relatives nearby when they were run over, and the Israeli military vehicle fled away from the scene. Both boys sustained life-threatening injuries and remain in critical condition.
- Overnight on Thursday, 15 September 2016, Mohammed Ahmad Al-Sarrahin, age 30, died after succumbing to wounds sustained earlier that day when occupying forces raided the village of Beit Ula in the district of Al-Khalil and shot live fire at Mohammed while attempting to detain him.
- On Friday, 16 September 2016, Israeli occupying forces shot and killed Fares Moussa Mohammed Khaddour, age 18, and seriously wounded his fiancée, Raghad Abdullah Khaddour, age 18, at the entrance of the illegal settlement "Kiryat Arba" in Al-Khalil in southern occupied West Bank. Tragically for their family and friends, Raghad is the sister of Majd Khaddour, who was killed by Israeli occupying forces at the same intersection in June 2016.
- On Friday, 16 September 2016, Israeli occupying forces shot dead Abdul Ghani Shaludi, age 26, at the entrance of Tel Rumeida neighbourhood in Al-Khalil's Old City. Israeli occupying forces prevented a Palestinian Red Crescent ambulance from reaching the scene.
- On Friday, 16 September 2016, Israeli occupying forces shot and killed Said Al-Amr, age 28, a Jordanian youth in occupied East Jerusalem at the Damascus Gate in the Old City.
- On Friday, 16 September 2016, Mohammed Thalji Al-Rajabi, age 15, was shot dead by Israeli occupying forces near the Old City of Al-Khalil, making him the third Palestinian killed by Israeli occupying forces in less than 24 hours.
- On Friday, 16 September 2016, in the besieged Gaza Strip, Israeli occupying forces shot and injured two Palestinians after clashes broke out during protests east of Al-Bureij refugee camp in central Gaza, when several youths gathered near the border fence to protest Israel's policies in the occupied West Bank and the ongoing Israeli blockade of the Gaza Strip.
- On Sunday, 18 September 2016, Israeli occupying forces opened live fire and injured a Palestinian man, Bahaa Odeh, age 20, outside the illegal Israeli settlement "Efrat", south of Bethlehem. Eyewitnesses at the scene said that the Israeli occupying forces left him to bleed on the ground.

- On Monday, 19 September 2016, Israeli occupying forces shot and killed Muhannad Al-Rajaby, age 21, and Ameer Al-Rajaby, age 17, near Al-Ibrahimi Mosque in Al-Khalil.

- Today, 20 September 2016, a 16-year-old child, Issa Salem Tarayra, was shot and killed by Israeli occupying forces near the town of Bani Naim, east of Al-Khalil.

The killing and injury of Palestinian men, women and children under Israeli occupation, such as the numerous tragic crimes detailed above, must be addressed. It cannot be that a people under occupation for nearly five decades can be left defenceless, denied the protections of international law, including humanitarian law and human rights law, while the occupying Power is appeased and permitted to continue with its flagrant impunity, disrespecting both the rule of law and the sanctity of human life.

The occupying Power also persists with all of its other policies and measures against the defenceless Palestinian population in grave violation of international law. This includes the continued building and expansion of illegal Israeli settlements, home demolitions, the arrest and detention of Palestinian civilians, as well as other collective measures against the Palestinian people, which include draconian restrictions of movement by the use of military curfews, closures and checkpoints throughout the occupied State of Palestine as well as the continuation of its immoral and illegal blockade of the Gaza Strip.

The destructive impact of the above-mentioned Israeli violations is immense, as reflected in rising tensions, deteriorating socioeconomic conditions and deepening anger and frustration among the Palestinian civilian population living under this nearly half-century-old occupation. With the high number of deaths over the past week, we call again on the international community, particularly the Security Council, to act now to provide protection to the Palestinian people and to diffuse this volatile situation, which clearly constitutes a threat to international peace and security. As we have stated in the past, the Palestinian people cannot remain the exception to the international commitments to and obligations under international law, including the obligation to protect civilians from atrocities and grave breaches, i.e. war crimes. The tragic events listed above only provide more evidence of the occupying Power's total disregard for the lives and rights of the Palestinian people as well as its total contempt for international law. The time is now for the international community to finally bring an end to Israel's impunity and to bring an end to this brutal, illegal nearly 50-year-long occupation in order to bring overdue justice to the Palestinian people and so that the Palestinian people can finally live in freedom and dignity in their own independent State of Palestine, with East Jerusalem as its capital.

This letter is in follow-up to our 595 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 8 September 2016 (A/ES-10/732-S/2016/770) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the

Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of the State of Palestine to the United Nations

United Nations S/2016/802

Security Council

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19 September 2016

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 6 September 2016 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Mr. Charles Reeve has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.

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